

May 8, 2009

Ms. Jennifer St. John
Santa Cruz County
2150 N. Congress Drive
Nogales, Arizona 85637

Re: Phase I Environmental Site Assessment - Hazardous Substances
Trust #7659 Property LLC Property; Nogales, Arizona (Parcel No. 113-49-027 - North)

Dear Ms. St. John:

Allwyn Environmental is submitting this Phase I Environmental Site Assessment (ESA) for the Trust #7659 Property LLC Property (Parcel No. 113-49-027 - North) located in Nogales, Arizona. The Phase I ESA has been performed to meet the requirements of the Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process (ASTM E1527-05). We have completed this work in accordance with Santa Cruz County's Notice to Proceed dated April 20, 2009. We sincerely appreciate the opportunity to work with Santa Cruz County on this project. Should you have any questions concerning this report, please contact the undersigned at your convenience.

Sincerely,



ALLWYN ENVIRONMENTAL
Tod R. Whitwer, PE
As Managing Member for Allwyn Priorities, LLC

PHASE I
ENVIRONMENTAL SITE ASSESSMENT
HAZARDOUS SUBSTANCES

TRUST #7659 PROPERTY LLC PROPERTY
NOGALES, ARIZONA
(PARCEL NO. 113-49-027—NORTH)

PREPARED FOR:
SANTA CRUZ COUNTY
2150 N. Congress Drive
Nogales, Arizona 85621

MAY 8, 2009

Allwyn Environmental Job No. 010-018

Prepared By:

ae

**ALLWYN ENVIRONMENTAL
GLENDALE, ARIZONA**

EXECUTIVE SUMMARY

This report presents the findings of the Phase I Environmental Site Assessment (ESA) performed by Allwyn Environmental for the Trust #7659 Property, LLC Property located west of the Mariposa Road (Highway 189) and Target Range Road intersection in Nogales, Arizona (referred to as the subject property in this Phase I Report). The subject property consists of the northern portion of one parcel (113-49-027) and covers approximately 41 acres. The subject property's center is located at a latitude of approximately 31.346888 North and longitude of approximately 110.965922 West. There are two parcels that are entirely enclosed by the subject property. The first enclosed parcel (113-49-010B) is located in the northwest portion of the subject property and contains an automobile salvage yard and a shooting range utilized by the Border Patrol. The second enclosed parcel (113-49-029) is located in the central portion of the subject property near the western boundary and contains a cell tower owned by AT&T. The subject property is located within Section 13, Township 24 South, Range 13 East of the Gila and Salt River Baseline and Meridian System.

The Phase I ESA was completed for Santa Cruz County to document known environmental risks and conditions associated with the property. The Phase I ESA was completed in accordance with the requirements of the Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process (ASTM Designation: E1527-05). The objective of the Phase I ESA was to identify recognized environmental conditions (RECs) at the property. Allwyn Environmental performed historical research review, environmental records and databases evaluation, site reconnaissance, and interviews with persons knowledgeable with the site. This assessment has revealed evidence of the two following recognized environmental condition in connection with the property:

- Bullet fragments were observed on the subject property, in the vicinity of the Border Patrol Shooting range in the northwest portion of the subject property. Bullet fragments varied in size and were found in large concentrations in the wash and hillside directly behind the shooting range. The bullet fragments likely result in elevated concentrations of lead in the soil. Further assessment of the soil through soil sample collection and analysis, and/or alternate means (e.g., X-ray fluorescence) should be conducted to evaluate the extent and magnitude of potential lead impact of the soil.
- There is an automobile salvage yard that is enclosed within the northwest portion of the subject property and encroaches onto the subject property (See Photographs No. 4 and 5 in the Photographic Log). The position of the wash and local topography indicates that stormwater, potentially containing petroleum hydrocarbons and metals, could run on and through the subject property from the automobile salvage yard. Soil samples should be collected where stormwater runs onto the property and analyzed for polycyclic aromatic hydrocarbons (PAHs), volatile organic compounds (VOCs), and metals to evaluate the potential impact to soil and/or groundwater.

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1.0 INTRODUCTION

1.1 PROJECT BACKGROUND

Allwyn Environmental was retained by Santa Cruz County, Arizona to conduct a Phase I Environmental Site Assessment (ESA) for the northern portion of Parcel No. 113-49-027 (herein referred to as the subject property) which is owned by Trust #7659 Property, LLC and located west of the Highway 189 and Target Range Road intersection in Nogales, Santa Cruz County, Arizona (see Figure 1 for the approximate location of this site). This document presents the Phase I ESA in accordance with the requirements of the Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process (ASTM Designation: E1527-05).

1.2 PROJECT OBJECTIVES

The objective of the Phase I ESA is to identify recognized environmental conditions (RECs) at the subject site. A REC is defined in ASTM E-1527-05 as:

“The presence or likely presence of any hazardous substances or petroleum products on a property under conditions that indicate an existing release, a past release, or a material threat of a release of any hazardous substances or petroleum products into structures on the property or into the ground, groundwater, or surface water of the property. The term includes hazardous substances or petroleum products even under conditions in compliance with laws. This term is not intended to include de minimis conditions that generally do not present a threat to public health or the environment and that generally would not be the subject of an enforcement action if brought to the attention of appropriate governmental agencies. Conditions determined to be de minimis are not recognized environmental conditions.”¹

1.3 SCOPE OF WORK

Allwyn Environmental completed the following scope of services for the Phase I ESA in accordance with ASTM E1527-05:

- Review Santa Cruz County-provided information
- Review standard environmental record sources within minimum search distance
- Review readily-available historical sources (potentially including aerial photographs, fire insurance maps, property tax files, recorded land title records, and topographical maps)
- Conduct a site reconnaissance, including site visit of the exterior features of buildings and structures and a representative evaluation of adjoining property uses
- Conduct interviews with owner, occupant, or other persons knowledgeable with the site history and operations
- Disseminate and evaluate information to formulate professional opinion and conclusions
- Prepare report

1.4 REASON FOR PERFORMING PHASE I

The Phase I ESA is intended to permit Santa Cruz County to satisfy one of the requirements for the innocent landowner's defense to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) liability, namely "all appropriate inquiry into the previous ownership and uses of the property consistent with good commercial or customary practice". In addition, persons that receive a Brownfields grant from the U.S. Environmental Protection Agency (EPA) awarded under CERCLA section 104(k)(2)(B) and use the grant money to conduct site characterization or assessment activities must do so using All Appropriate Inquiries (AAI) which is satisfied by completing a Phase I ESA in accordance with ASTM 1527-05.

1.5 USER RELIANCE

This document and the information contained herein have been prepared solely for the use of Santa Cruz County and their authorized representatives. Any reliance on this report by other parties shall be at such party's sole risk. Any future consultation or provision of services to third parties related to the property requires written authorization from Santa Cruz County or their representatives. Any such services may be provided at Allwyn Environmental's sole discretion and under terms and conditions acceptable to Allwyn Environmental, including potential additional compensation.

2.0 SITE INFORMATION

2.1 SITE LOCATION AND LEGAL DESCRIPTION

The property consists of the northern portion of parcel (113-49-027) located west of the Highway 189 and Target Range Road intersection in Nogales, Arizona and covers approximately 41 acres. The subject property is located in Nogales, Arizona with its center located at a latitude of approximately 31.346888 North and a longitude of approximately 110.965922 West. The subject property is located within Section 13, Township 24 South, Range 13 East of the Gila and Salt River Baseline and Meridian System. The legal description for the parcel comprising the subject property is:

Parcel No. 113-49-027

AG/Vacant Land/Non-Profit – Real Property and Improvements. A PT in the N2 N2 N2 SW4; NW4 NW4 SE4; PT of the N2 of SEC 13 lying westerly of HWY 189

2.2 ENVIRONMENTAL SETTING

2.2.1 Topography

The site lies within coverage of the Nogales, Arizona 7.5 Minute Quadrangle United States Geological Service (USGS) map. The terrain of the subject property is rugged and hilly with elevations ranging from approximately 4010 to 4091 feet above mean sea level (msl). The 1981 Nogales, Arizona topographic map for the Nogales quadrangle encompassing the site is included in Appendix A.

2.2.2 Regional and Site Geology

The physiography of the study area is characterized by mountains and basins formed by large scale normal faulting during the Basin and Range disturbance about 14 to 6 million years ago. The basin is underlain by the sediments of the Tertiary-age Nogales Formation and Mesozoic-age intrusive volcanics, unconformably overlaid with a veneer of Quaternary-age sediments in the valleys. The Nogales Formation consists of mechanically deposited volcanic conglomerate with layers of sandstone and grit. The area is extremely dry desert lowland separated by linear-trending mountain ranges, with Nogales located in a narrow valley with an elevation of approximately 1,200 meters.

The study area is prone to erosion due to steep slopes, occasional intense rain storm events, and wind.

The soils in the study area are primarily shallow and rocky with unweathered clasts of andesite and rhyolite tuffs, granites, and small areas of clay shales. The steeper slopes have numerous rock outcroppings and shallow loamy soils. Five soil associations dominate the area: Comoro-Pima, Continental-Sonoita, Caralampi-White House - Hathaway, Lampshire-Chiracahua-Graham, and Faraway-Rock Outcrop-Barkerville. The first three are typically deep soils and sandy loams with varying amounts of gravel and clay, generally appearing in or along floodplains and streambeds. The latter two are

typically shallow cobbled clay or sandy loams occurring in the upper elevations on foothills and mountains (IBWC).²

2.2.3 Regional Groundwater Conditions

The property lies within the boundaries of the Santa Cruz Active Management Area (AMA), principally concentrated around a 45 mile reach of the Santa Cruz River from the international border to a few miles north of the Santa Cruz/Pima County line. The Santa Cruz AMA was designed to address groundwater overdraft in the area, whereby groundwater withdrawal is occurring at twice the rate of recharge. As a result, water management in this area is intensive. Within the Santa Cruz AMA, groundwater can be withdrawn legally only through a groundwater right or permit, unless groundwater is withdrawn from an exempt well (maximum capacity of 35 gallons per minute or less). These rights or permits take the form of grandfathered rights, service rights, or withdrawal rights.³

The basin-fill sediments along the Santa Cruz River form three aquifers (listed in ascending order): the Nogales Formation, the Older Alluvium, and the Younger Alluvium. These three aquifers are shared between the two countries. Both alluvial units are generally unconfined, hydraulically connected, and yield water to wells. The Younger Alluvium ranging in depth from 40 to 150 feet is present along the river and some of its tributaries. According to the ADWR, this aquifer is the most productive and widely used in the region providing about 75-percent of the total water in the Santa Cruz AMA, with some wells yielding more than 1,000 gallons per minute (gpm).

Although the Older Alluvium aquifer (ranging from a few feet to about 1,000 feet) is the most extensive geologic unit within the Santa Cruz AMA, its transmissivity is generally low and well yields are often small. The Nogales Formation (at least 5,000 feet thick) is not generally considered an aquifer, since groundwater occurs primarily in fracture zones and unconsolidated layers within the formation (average yields are less than 30 gpm).

The highly seasonal nature of surface water flow, the high transmissivity of the Younger Alluvium, and the discharge of effluent from the Nogales International Wastewater Treatment Plan (NIWTP) complicate the analysis of water level change. According to the Arizona Department of Water Resources, the water level elevations (elevation of the water table above mean sea level) range from 3,000 to 4,000 feet in the Santa Cruz AMA. The Santa Cruz River serves as a major source of recharge for the Younger Alluvium by seasonal methods: mountain front recharge, irrigation seepage, effluent discharge, and natural surface water flow.

Local water table levels fluctuate with variations in weather patterns, water withdrawals within the Santa Cruz River basin (in Mexico and the U.S.), and incidental recharge from agricultural irrigation and NIWTP discharge. The shallow depth of the basin's aquifers and the high transmissivity of the alluvium make many portions responsive to precipitation events and susceptible to droughts.⁴

2.2.4 Site Groundwater

Imaged Records for wells registered with the Arizona Department of Water Resources (ADWR) were reviewed to identify wells in the vicinity of the subject property (See Appendix B). Based on a the information provided in the Well Driller Report from a well located within the same section of the subject property (ADWR Well No.55-636229), groundwater is located approximately 135 feet below ground surface. There does not appear to be a continuous clay layer in the site area. Based on site topography, the groundwater flow in the vicinity of the subject property is likely to the north to northwest.

2.3 CURRENT PROPERTY USE AND DESCRIPTION

The subject property consists of the northern portion of one parcel (113-29-027) and covers approximately 41 acres. The subject property consists of rugged and hilly undeveloped native desert land, with evidence of vehicular traffic occurring on the subject property. There are no structures located on the subject property. However, there are two parcels that are entirely enclosed by the subject property. The first enclosed parcel (113-49-010B) is located in the northwest portion of the subject property and contains an automobile salvage yard and a shooting range utilized by the Border Patrol. The automobile salvage yard appears to encroach onto the subject property on the small narrow strip next to the northern boundary in the northwest portion of the subject property. The second enclosed parcel (113-49-029) is located near the western boundary and contains a cell tower owned by AT&T. In the northeast portion of the subject property on the northern boundary, the fence from the Swift Trucking Company facilities appears to encroach onto the subject property. There are dirt roads located on the subject property.

2.4 PUBLIC UTILITIES

The subject property is served by the following utilities and providers:

- Electric – Unisource
- Potable Water – City of Nogales
- Wastewater – City of Nogales
- Solid Waste – City of Nogales and Private Haulers
- Natural gas – Unisource

2.5 CURRENT USES OF ADJOINING PROPERTIES

The current uses of properties immediately adjoining the subject property are summarized below:

- Enclosed in northwest portion of the subject property (Parcel 113-49-010B)
 - Automobile Salvage Yard
 - Border Patrol Shooting range

- Enclosed in Central Portion on western boundary (Parcel 113-49-029)
 - Cell phone tower.

- North (moving from northwest to northeast of property)
 - Native desert land
 - Swift Trucking Company

- East (moving from northeast to southeast of property)
 - Mariposa Road
 - Native desert land
 - Graded land in early stages of predevelopment

- South (moving from southeast to southwest of property)
 - Native desert land
 - Natural gas processing plant

- West (moving from southwest to northwest of property)
 - Native desert land

3.0 USER PROVIDED RECORDS

In order to qualify for the landowner liability protections offered by the Small Business Liability Relief and Brownfields Revitalization Act of 2001, the Phase I ESA user must provide certain information to the environmental professional. Allwyn Environmental developed a User Information Documentation Form to solicit this information from the property owners to achieve this liability protection. Mr. Jim Barr and Mr. Joe Barr, property owners, were interviewed by Allwyn Environmental on May 5, 2009 in order to complete this form. This information is summarized below and a copy of the completed form is included in this report in Appendix C.

3.1 ENVIRONMENTAL LIENS OR DEURS

Jim Barr and Joe Barr were not aware of any environmental cleanup liens against the property that are filed or recorded under federal, tribal, state, or local law. They were not aware of any activity and use limitations (AULs), such as engineering controls, land use restrictions, or institutional controls in place at the site and/or have been filed or recorded in a registry under federal, tribal, state, or local law. The Environmental Lien and AUL Search Report (Appendix D) confirmed no environmental liens or AULs are in place at the site and/or have been filed or recorded in a registry under federal, state, or local law.

3.2 SPECIALIZED KNOWLEDGE

Jim and Joe Barr indicated they possessed specialized knowledge or experience related to the property or nearby property. They stated that there was a Border Patrol Shooting range and an automobile salvage yard located in a parcel completely enclosed by the subject property.

3.3 COMMONLY KNOWN OR REASONABLY ASCERTAINABLE KNOWLEDGE

Jim and Joe Barr indicated they were aware of commonly known or reasonably ascertainable information about the property that would help the environmental professional to identify conditions indicative of releases or threatened releases. They stated that bullet fragments from the Border Patrol shooting range were present on the subject property.

3.4 VALUATION REDUCTION FOR ENVIRONMENTAL ISSUES

Mr. Jim Barr indicated that the purchase price of this property reasonably reflects the fair market value of the property or that a lower purchase price does not exist because contamination is known or believed to be present at the subject property.

3.5 INDICATORS OF PRESENCE OR LIKELY PRESENCE OF CONTAMINATION

Jim and Joe Barr stated bullet fragments from the Border Patrol Shooting range were located on the subject property. They also stated that the automobile salvage yard and stormwater flows onto the subject property from the salvage yard.

4.0 HISTORICAL USE

ASTM E1527-05 requires the environmental professional to identify all obvious uses of the property from the present back to the property's first developed use or 1940, whichever is earliest. This information is collected to identify the likelihood that past uses have led to RECs in connection with the property. This task is accomplished by reviewing standard historical sources to the extent that they are necessary, reasonably ascertainable, and likely to be useful. These standard records include aerial photographs, fire insurance maps, property tax files, land title records, topographic maps, city directories, building department records, and zoning/land use records.

The general type of historical use (i.e., commercial, retail, residential, industrial, undeveloped, office) should be identified at 5-year intervals, unless the specific use of the property appears to be unchanged over a period longer than 5 years. The historical research is complete when the use is defined or when data failure occurs. Data failure occurs when all of the standard historical sources have been reviewed, yet the property use cannot be identified back to its first developed use or to 1940. Data failure is not uncommon in trying to identify the use of the property at 5-year intervals back to first use of 1940, whichever is earlier.

Historical records were researched and obtained by Allwyn Environmental to identify obvious uses of the property from the present back to the property's first developed use, or to 1940, whichever is earlier. The results of this research and data failure, if encountered, are presented in the following sections.

4.1 AERIAL PHOTOGRAPH REVIEW

Aerial photographs were reviewed by Allwyn Environmental for the years 1973, 1982, 1992, 1996, 2003, and 2006. The 2006 aerial photograph is provided as Figure 3. A brief description of each aerial photograph follows:

- **September 29, 1973 Aerial Photograph (1:24,000 scale) Reviewed at the University of Arizona (UofA) Library.**

Property Features

The subject property consists of undeveloped native desert land.

Surrounding Property Features

The properties immediately adjacent to the subject property consist of undeveloped native desert land.

- **March 4, 1982 Aerial Photograph (1:25,000 scale) Reviewed at Pima County Library**

Property Features

The uses on the subject property appear unchanged from the 1973 aerial photograph.

Surrounding Property Features

Mariposa Road is now present on the eastern boundary of the subject property. The gas pipeline is marked and visible in the aerial photograph but the Natural gas processing plant presently located south of the southeast portion of the subject property is not visible at this resolution. The uses on the other properties immediately adjacent to the subject property appear unchanged from the 1973 aerial photograph.

- **April 25, 1992 Aerial Photograph Reviewed at Google Earth**

Property Features

The uses on the subject property appear unchanged from the 1982 aerial photograph.

Surrounding Property Features

There appears to be debris north of the central portion of the subject property. The Border Patrol Shooting range and automobile salvage yard are now visible. The AT&T tower is now present in the central portion on the western boundary, enclosed by the subject property. The Natural gas processing plant is now visible south of the southeastern portion of the subject property. The land to the north of the northeast portion of the property appears to have been graded. The uses on the other properties immediately adjacent to the subject property appear unchanged from the 1982 aerial photograph.

- **June 2, 1996 Aerial Photograph Reviewed at Google Earth**

Property Features

The uses on the subject property appear unchanged from the 1992 aerial photograph.

Surrounding Property Features

The uses on the properties immediately adjacent to the subject property appear unchanged from the 1992 aerial photograph.

- **December 29, 2003 Aerial Photograph Reviewed at Google Earth**

Property Features

The uses on the subject property appear unchanged from the 1996 aerial photograph.

Surrounding Property Features

The automobile salvage yard that is enclosed by the subject property appears to have increased in size and may encroach onto the subject property. The amount of debris north of the central portion of the subject property appears to have increased. Mariposa Road, which runs along the eastern boundary of the subject property has been widened. The uses on the other properties immediately adjacent to the subject property appear unchanged from the 1996 aerial photograph.

- **June 20, 2007 Aerial Photograph Reviewed at Google Earth**

Property Features

The uses on the subject property appear unchanged from the 2004 aerial photograph.

Surrounding Property Features

The amount of debris north of the central portion of the subject property appears to have increased. The graded area north of the northeast portion of the subject property appears to have increased in size. The uses on the other properties immediately adjacent to the subject property appear unchanged from the 2003 aerial photograph.

4.2 SANBORN MAP REVIEW

Sanborn Map fire insurance maps were created to assist fire insurance agents in assessing the fire hazards of particular pieces of property in towns and cities throughout the United States. The maps indicate the size, shape, and construction materials of residences, commercial properties and factories and often include such details as building use, house and block numbers, widths of streets and locations of water mains. Sanborn maps were regularly updated, making them a valuable tool for documenting the changes in structure and building use in American cities.

On April 28, 2009, Allwyn Environmental reviewed Sanborn fire insurance maps at the University of Arizona Library and found no coverage for the subject property.

4.3 PROPERTY TAX FILES

On-line Santa Cruz County Tax Assessor records were researched for the subject property. The

assessor's records show that the subject property is owned by Trust 7659 Property, LLC.

4.4 ENVIRONMENTAL LIENS OR ACTIVITY AND USE LIMITATIONS (AUL) REPORT

Allwyn Environmental contracted with All Lands to prepare an Environmental Liens or AUL report. The report is contained in Appendix D. The report confirms the subject property ownership as Trust #7659 Property, LLC who was deeded ownership of the property on December 23, 1994 and recorded on December 28, 1994.

Finally, the Environmental Liens or AUL report indicates that there are no Voluntary Environmental Mitigation Use Restrictions (VEMURs), Declaration of Environmental Use Restrictions (DEURs), Environmental Liens, or activity and use restrictions currently recorded against the property as searched at the Santa Cruz County Recorders Office.

4.5 USGS TOPOGRAPHIC MAPS

USGS 7.5 Minute Topographic maps for the Nogales, Arizona quadrangle were reviewed for the years 1981 and 2004. In addition, a USGS 15 minute series map for the Nogales, Arizona quadrangle was reviewed for 1958. The 1981 topographic map is shown in Appendix A.

The topographic maps show that Mariposa Road (Highway 189) was built after 1958 and before 1981. With regard to earlier topographic maps, no industrial, commercial, or manufacturing uses on the subject property or adjacent to the subject property are indicated or can be inferred from the historical topographical maps.

4.6 CITY DIRECTORY

Allwyn Environmental attempted to obtain City Directory abstracts from the Nogales Public Library and Santa Cruz Historical Society. These records were not available.

4.7 BUILDING DEPARTMENT RECORDS

Allwyn Environmental visited the City of Nogales Public Works Department to review building records for the subject property on May 6, 2009. According to staff there are no building permits on file for parcel 113-49-027, nor have any addresses been issued.

4.8 ZONING/LAND USE RECORDS

Zoning information was obtained from the City of Nogales Public Works Department. The subject property zoning is designated as LI: Light Industrial.

4.9 FIRE DEPARTMENT RECORDS

Allwyn Environmental contacted Jesus Gomez, City of Nogales Fire Marshal, to request information regarding hazardous material responses and other environmental data maintained by the fire department such as inspections, chemical storage records, or underground storage tanks. According to Mr. Gomez, the City of Nogales Fire Department has no records related to the subject property.

4.10 SUMMARY OF PROPERTY HISTORICAL USE INFORMATION

4.10.1 Site Specific Historical Use

This section provides a summary of the historical use of the subject property based on review of readily-available historical documentation. Historical records indicate that the subject property has never been developed. Interviews conducted during the course of this Phase I indicate that the subject property has been used for ranching and grazing purposes since the 1910s or 1920s.

4.10.2 Summary of Adjacent Properties Historical Use Information

Mariposa Road, which runs south southwest along the eastern boundary of the subject property, was built sometime between 1973 and 1982 and was widened sometime between 1992 and 2003. Aerial photographs do not show the presence of the Border Patrol Shooting range or automobile salvage yard until 1992 and interviews conducted during the course of this Phase I indicate that those properties were not used for that purpose until approximately 20 years ago. The Natural gas processing plant located south of the southeast portion of the subject property, may have been built between 1973 and 1982, but is not visible in aerial photographs until 1992. That AT&T cellular tower that is enclosed by the subject property was built sometime between 1983 and 1992. Tractor trailers and debris become visible north of the subject property in the 1992 aerial photograph; however the Swift Trucking Company facilities to the north of the subject property do not appear in aerials and were built after June 20, 2007. Predevelopment grading for the area now occupied by the Swift Trucking Company began sometime between 1982 and 1992. The other properties adjacent to the subject property are composed of native desert, and interviews conducted during the course of this Phase I indicate that they have never been developed and their primary use has been ranching and grazing.

5.0 REGULATORY REVIEW

5.1 DATABASE INFORMATION

Allwyn Environmental conducted a review of readily-available local, state, and federal standard environmental record sources to assess whether current and past property usage and practices at the property parcels and surrounding properties (within appropriate minimum search distances) may have caused a REC at the site. Information from these sources was gathered either by Allwyn Environmental personnel directly or by a paid database search service (Allands of Goodyear, Arizona). A copy of the Allands report is provided in Appendix B. The databases that were reviewed and the approximate minimum search distances (in parentheses) were:

- Federal ASTM Standard Records
 - National Priorities List (NPL)/Proposed NPL Sites (1.0 mile)
 - Delisted NPL Sites (0.5 mile)
 - Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) (0.5 mile)
 - CERCLIS-No Further Remedial Action Planned (NFRAP) (0.5 mile)
 - RCRA Generator (Property and adjoining properties) (0.125 mile)
 - Resource Conservation and Recovery Act (RCRA) Corrective Action Report (CORRACTS) Sites (1.0 mile)
 - RCRA non-CORRACTS Treatment, Storage, or Disposal (TSD) Site (0.5 mile)
 - Emergency Response Notification System (ERNS) (0.125 mile)
- State of Arizona ASTM Standard Records
 - Water Quality Assurance Revolving Fund (WQARF) Sites (1.0 mile)
 - Arizona Superfund Program List (0.5 mile)
 - Solid Waste Facility/Landfill Lists (0.5 mile)
 - DEUR Institutional Control/Engineering Control Registry (AUL) Sites (Property and Adjoining)
 - Brownfields Tracking System (BROWNFIELDS)/ Voluntary Remediation Program (VRP) Sites (0.5 mile)
 - Registered Underground Storage Tank List (UST) Sites (0.125 mile)
 - Leaking Underground Storage Tank List (LUST) Sites (0.5 mile)
- Additional Environmental Record Sources
 - RCRA Compliance Facilities
 - Hazardous Materials Incidents Emergency Response Logbook
 - ADEQ Drywell Registration Database
 - Environmental Permits

Note: The objective of this database search is to evaluate the potential impact of a listed facility on the property that is the subject of the Phase I ESA. The data tables for each section provide the relative position of groundwater flow at the listed facility in relationship to the subject property based on the assumption that groundwater flow generally tends to the northwest in this area. Therefore,

facilities that are indicated as “Upgradient” of the subject property can potentially impact the facility and may be considered to be RECs.

5.2 SUMMARY OF STANDARD RECORDS REVIEW

This section summarizes the findings of the standard records review within the applicable search radius from the subject property. The subject property was not listed in any of the records searched by Allands. Detailed information for each standard record is provided in the Sections 5.3 through 5.7.

5.3 FEDERAL ASTM STANDARD RECORDS REVIEW RESULTS

5.3.1 National Priorities List (NPL) Sites

The Environmental Protection Agency (EPA) maintains the National Priorities List (NPL), a list of hazardous waste sites in the United States and its territories eligible for long-term remedial action financed under the federal Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or “Superfund”) program. The list contains national priorities among the known releases or threatened releases of hazardous substances, pollutants, or contaminants and is intended primarily to guide the EPA in determining which sites warrant further investigation.

Outcome: Allwyn Environmental’s review of the March 2009 NPL database and/or regulatory agency database did not result in the identification of facilities located on the property or within the 1.0-mile search radius.

5.3.2 Proposed NPL Sites

EPA maintains a list of sites that are proposed for inclusion on the NPL.

Outcome: Allwyn Environmental’s review of the March 2009 NPL database and/or regulatory agency database did not result in the identification of facilities located on the property or within the 1.0-mile search radius.

5.3.3 Delisted NPL Sites

EPA may determine that all appropriate response actions under CERCLA have been completed at a site listed on the NPL. These sites are considered to be “de-listed” from the NPL and, no further remedial action pursuant to CERCLA is appropriate or required.

Outcome: Allwyn Environmental’s review of the March 2009 NPL Deletions database and/or regulatory agency database did not result in the identification of facilities located on the property or within the 0.5-mile search radius.

5.3.4 Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS)

The Comprehensive Environmental Response, Compensation and Liability Information System (CERCLIS) is a list maintained by EPA of suspected hazardous waste sites throughout the United States. This federal database contains information on preliminary assessments, potential and actual hazardous waste sites, site inspections, and cleanup activities. CERCLIS sites are candidates for addition to the federal and state Superfund lists. The database is updated periodically as new sites are discovered.

Outcome: Allwyn Environmental's review of the March 2009 CERCLIS database and/or regulatory agency database did not result in the identification of the any facilities located on the property or within the 0.5-mile search radius.

5.3.5 CERCLIS - No Further Remedial Action Planned (NFRAP)

No Further Remedial Action Planned (NFRAP) sites have been removed from the CERCLIS list by EPA and are no longer considered an environmental concern. NFRAP sites may be designated as such when, following initial investigation, either no contamination was found, contamination was removed quickly without the need for the site to be placed on the NPL, or the contamination was not serious enough to require federal Superfund action or NPL consideration.

Outcome: Allwyn Environmental's review of the March 2009 NFRAP database and/or regulatory agency database did not result in the identification of any facilities located on the property or within the 0.5-mile search radius.

5.3.6 RCRA Generator

EPA's RCRAInfo provides information on sites that generate, transport, store, treat, and/or dispose of hazardous waste as defined and regulated by the Resource Conservation and Recovery Act (RCRA). Conditionally exempt small generators (CESQGs) generate less than 100 kilograms (kg) of hazardous waste per month, or less than 1 kg of acutely hazardous waste per month. Small quantity generators (SQGs) generate between 100 and 1,000 kg of hazardous waste per month. Large quantity generators (LQGs) generate over 1,000 kg of hazardous waste per month, or more than 1 kg of acutely hazardous waste per month. Non-generators do not presently generate hazardous waste.

Outcome: Allwyn Environmental's review of the March 2009 RCRAInfo database and/or regulatory agency database did not result in the identification of any facilities located on the property or within a 0.125-mile search radius.

5.3.7 RCRA Corrective Action Report (CORRACTS)

RCRA Corrective Action Sites (CORRACTS) list is a list maintained by EPA of hazardous waste treatment, storage, or disposal facilities and other RCRA-regulated facilities (due to past interim status

or storage of hazardous waste beyond 90 days) that have been notified by EPA to undertake corrective action under RCRA. The CORRACTS list is a subset of the EPA database that manages RCRA data.

Outcome: Allwyn Environmental’s review of the March 2009 CORRACTS database and/or regulatory agency database did not result in the identification of facilities located on the property or within the 1.0-mile search radius.

5.3.8 RCRA Non-CORRACTS Treatment, Storage, and Disposal (TSD) Facilities

EPA maintains a list of RCRA Non-CORRACTS Treatment, Storage, and Disposal (TSD) facilities. These facilities treat, store, and/or dispose of hazardous waste, as defined and regulated by RCRA, but have not been subject to corrective action.

Outcome: Allwyn Environmental’s review of the March 2009 RCRAInfo database and/or regulatory agency database did not result in the identification of facilities located on the property or within the 0.5-mile search radius.

5.3.9 Emergency Response Notification System (ERNS) Facilities

The Emergency Response Notification System (ERNS) is maintained by the National Response Center. This database contains EPA’s list of reported CERCLA hazardous substance releases or spills in quantities greater than the reportable quantity.

Outcome: Allwyn Environmental’s review of the March 2009 ERNS list and/or regulatory agency database did not result in the identification of facilities located on the property or within the 0.125-mile search radius.

5.4 STATE OF ARIZONA ASTM STANDARD RECORDS

5.4.1 Water Quality Assurance Revolving Fund (WQARF)

ADEQ maintains a list of sites that may have an actual or potential impact upon the waters of the state caused by hazardous substances. The WQARF program provides matching funds to political subdivisions and other state agencies for clean-up activities.

Outcome: Allwyn Environmental’s review of the March 2009 database and/or regulatory agency database did not result in the identification of facilities located on the property or within the 1.0-mile search radius.

5.4.2 Arizona Superfund Program List (SPL)

The Arizona Superfund Program List (SPL) is maintained by the ADEQ Superfund Program Section (SPS) and includes sites listed on any of the following:

- Water Quality Assurance Revolving Fund (WQARF) Registry List
- Potential WQARF Registry Sites
- National Priority List
- Department of Defense sites requiring SPS oversight

WQARF is the State of Arizona's equivalent to the federal Superfund program. ADEQ, SPS uses WQARF, created under the Environmental Quality Act of 1986, to support hazardous substance cleanup efforts in the State of Arizona. Sites are placed on the WQARF Registry List based on an approved eligibility and evaluation (E&E) model for evaluating risk and other environmental factors.

Outcome: Allwyn Environmental's review of the August 2004 SPL database and/or regulatory agency database did not result in the identification of facilities located on the property or within the 0.5-mile search radius.

5.4.3 Solid Waste Facility/Landfill

ADEQ inventory of solid waste disposal facilities and landfills in the State of Arizona. These are active or inactive facilities or open dumps that failed to meet RCRA Subtitle D criteria for solid waste landfills or disposal sites. The database is from the ADEQ Waste Programs Division; Solid Waste Section Directory of Arizona Active and Inactive Landfills dated May, 1999 and May, 2004, and checked for active and inactive landfills located within the search radius of the subject property.

Outcome: Allwyn Environmental's review of the May 2004 Solid Waste Facilities database and/or regulatory agency database did not result in the identification of facilities located on the property or within the 0.5-mile search radius.

5.4.4 DEUR Institutional Control/Engineering Control Registry (AUR)

The Arizona Unified Repository for Informational Tracking of the Environment (AZURITE) database stores core data for all of ADEQ's programs and allows structured searches of data subsets. The Remediation and DEUR Tracking (RDT) System is one such database subset used to track institutional and engineering controls authorized by ADEQ for site remediation projects. Institutional and administrative controls in Arizona have historically consisted of the following two mechanisms:

- Declaration of Environmental Use Restriction (DEUR). A restrictive land use covenant that is required when a property owner elects to use an institutional (i.e., administrative) control or engineering (i.e., physical) control as a means to meet remediation goals. The DEUR runs with and burdens the land, and requires maintenance of any institutional or engineering controls.
- Voluntary Environmental Mitigation Use Restriction (VEMUR). A restrictive land use covenant that, prior to July 18, 2000, was required when a property owner elected to remediate the property to non-residential uses. Effective July 18, 2000, the DEUR replaced the VEMUR as a restrictive use covenant.

Outcome: Allwyn Environmental’s review of the March 2009 RDT database did not result in the identification of facilities with institutional controls associated with the property or adjoining properties.

5.4.5 Brownfields Tracking System (BROWNFIELDS)/Voluntary Remediation Program (VRP)

ADEQ's Voluntary Remediation Program (VRP) allows property owners, prospective purchasers, and other interested parties investigate or clean up a contaminated site in cooperation with ADEQ. VRP results in a streamlined process for program participants who work with a single point of contact at ADEQ to address applicable cross-program remediation efforts. ADEQ reviews these voluntary remedial actions and provides a closure document for successful site remediation that is accepted by all relevant ADEQ programs. The ADEQ AZURITE database contains the Brownfields Tracking System (BTS) that comprise sites within the VRP and ADEQ Brownfields Program.

Outcome: Allwyn Environmental’s review of the March 2009 VRP and BTS databases did not result in the identification of any VRP facilities on the property or within the 0.5 mile search radius.

5.4.6 Underground Storage Tanks (UST)

Under State of Arizona and federal RCRA Subtitle D rules, persons who own or have owned underground storage tanks (USTs) that contain regulated substances are required to complete a notification form and submit it to the State of Arizona. ADEQ Tanks Program maintains a list of these registered USTs in the State of Arizona.

Outcome: Allwyn Environmental’s review of the May 2008 UST registration list and/or regulatory agency database did not result in the identification of facilities located on the property or within the 0.125-mile search radius from the site.

5.4.7 Leaking Underground Storage Tanks (LUSTs)

The ADEQ Tank Programs maintains a list of known or reported incidents of leaking underground storage tanks (LUSTs).

Outcome: Allwyn Environmental’s review of the May 2008 LUST database and/or regulatory agency database did not result in the identification of facilities located on the property or within the 0.5-mile search radius.

5.5 ADDITIONAL ENVIRONMENTAL RECORD SOURCES

5.5.1 RCRA Compliance Facilities

The RCRA Compliance Log is a list maintained by ADEQ of facilities that have been or are under investigation for non-compliance with RCRA regulations.

Outcome: Allwyn Environmental’s review of the March 2009 RCRA Compliance Log and/or regulatory agency database did not result in the identification of facilities located on the property or within the 0.125 mile search radius.

5.5.2 Hazardous Materials Incidents

The State of Arizona, Emergency Response Unit tracks chemical spills and incidents in the Hazardous Materials Logbook (SPILLS) database.

Outcome: Allwyn Environmental’s review of the June 2001 Hazardous Materials Logbook database and/or regulatory agency database did not result in the identification of facilities located on the property or within the 0.125-mile search radius.

5.6.3 Dry Well Registration (DRY WELL)

A listing maintained by ADEQ of registered dry wells.

Outcome: Allwyn Environmental’s review of the March 2009 Dry Well database and/or regulatory agency database did not result in the identification of facilities located on the property or within the 0.125 mile search radius.

5.6.4 Environmental Permits

These lists include Groundwater Permits, Reuse Permits, National Pollutant Discharge Elimination System (NPDES) permits, and Aquifer Protection Permits (APP). These databases are from ADEQ through the AZURITE Database System and the EPA.

Outcome: Allwyn Environmental’s review of the March 2009 Environmental Permits database and/or regulatory agency database did not result in the identification of facilities located on the property.

6.0 SITE RECONNAISSANCE

6.1 METHODOLOGY AND LIMITING CONDITIONS

Mr. Tod Whitwer and Mr. Derek Koller of Allwyn Environmental conducted a site reconnaissance of the subject property on May 6, 2009.

The purpose of the site reconnaissance was to observe the subject property to identify potential recognized environmental conditions. Site observations were recorded by Mr. Koller in the Site Reconnaissance Documentation Form, a copy of which is included in Appendix E. Photographs of relevant portions of the site are included in Appendix F.

6.1.1 Methodology

The subject property is approximately 41 acres of vacant and undeveloped native desert land. The terrain is rugged and hilly (See Photographs No.1, 6, 8, and 9 in the Photographic Log contained in Appendix F), with some evidence of vehicular traffic occurring on the subject property. There are two parcels that are entirely enclosed by the subject property. The first enclosed parcel (113-49-010B) is located in the northwest portion of the subject property and contains an automobile salvage yard and a shooting range utilized by the Border Patrol. The automobile salvage yard appears to encroach onto the subject property (See Photographs No.4 and 5 in the Photographic Log) on the small narrow strip next to the northern boundary in the northwest portion of the subject property. The second enclosed parcel (113-49-029) is located in the central portion of the subject property near the western boundary and contains a cell tower owned by AT&T (See Photograph's No.10 and 11). In the northeast portion of the subject property along the northern boundary, the fence from the Swift Trucking Company facilities appears to encroach onto the subject property (See Photograph No. 7). There were no structures, temporary or otherwise on the subject property at the time the site reconnaissance was performed.

Allwyn Environmental traversed the site and property boundary by foot during the course of this Phase I ESA. Allwyn Environmental established a grid system approximately 200 yards wide following a north-south line using a global positioning system (GPS). The property boundary and site were then traversed in order to complete the site reconnaissance.

6.1.2 Limiting Conditions

There were no limiting conditions present during the site reconnaissance.

6.2 OBSERVATIONS

6.2.1 Hazardous Substances and Petroleum Products in Connection with Identified Uses

Allwyn Environmental did not observe any present uses on the property that likely use, treat, store, generate or dispose hazardous substances or petroleum products. In addition, records review and

interviews conducted during the course of this Phase I ESA did not indicate that these features are present on the property.

6.2.2 Storage Tanks

Allwyn Environmental did not observe any aboveground storage tanks or any cracked or depressed areas, vent pipes, fill ports, or access ways that would suggest the presence of underground storage tanks on the property. In addition, records review and interviews conducted during the course of this Phase I ESA did not indicate that these features are present on the property.

6.2.3 Odors

Allwyn Environmental did not detect any strong, pungent, or noxious odors on the property. In addition, records review during the course of this Phase I ESA did not indicate that these features are present on the property. Mr. Jim Barr did indicate that one can, at times, smell natural gas emitting from the Natural gas processing plant, but this occurrence was not observed by Allwyn Environmental.

6.2.4 Pools of Liquids

Allwyn Environmental did not observe any standing surface water, sumps, or pools containing liquids likely to contain hazardous substances or petroleum products on the property. In addition, records review and interviews conducted during the course of this Phase I ESA did not indicate that these features are present on the property.

6.2.5 Drums and Containers

Allwyn Environmental did not observe drums or containers on the property. In addition, records review and interviews conducted during the course of this Phase I ESA did not indicate that these features are present on the property.

6.2.6 PCB-Containing Equipment

Allwyn Environmental did not observe any electrical or hydraulic equipment known to contain PCBs on the property. In addition, records review and interviews conducted during the course of this Phase I ESA did not indicate that these features are present on the property.

6.2.7 Pits, Ponds, or Lagoons

Allwyn Environmental did not observe any pits, ponds, or lagoons on the property. In addition, records review and interviews conducted during the course of this Phase I ESA did not indicate that these features are present on the property.

6.2.8 Stained Soil or Pavement

Allwyn Environmental did not observe any areas of stained soil on the property. In addition, records review and interviews conducted during the course of this Phase I ESA did not indicate that these features are present on the property.

6.2.10 Solid Waste

Allwyn Environmental observed solid waste on the subject property. There is an automobile salvage yard that appears to encroach onto the subject property (See Photographs No.4 and 5 in the Photographic Log) on the small narrow strip next to the northern boundary in the northwest portion of the subject property. Allwyn Environmental also observed bullet fragments (See Photographs No.2 and 3) in the vicinity of the Border Patrol Shooting range in the northwest portion of the property (See Photograph No.1).

6.2.11 Wastewater

There is an automobile salvage yard enclosed within the northwest portion of the subject property and the position of the wash and local topography indicates that stormwater, potentially containing contaminants, could run onto the subject property from the automobile salvage yard. There is a culvert on the eastern boundary of the subject property that runs stormwater onto the subject property from Mariposa Road, and there is another culvert that runs water off the property to the east underneath Mariposa Road. Local topography suggests that some stormwater is retained on site. Interviews conducted during the course of this Phase I corroborated these observations. Records review conducted during the course of this Phase I ESA did not indicate that additional features are present on the property.

6.2.12 Wells

Allwyn Environmental did observe any wells on the subject property. Records review and interviews conducted during the course of this Phase I ESA did not identify the presence of these features on the exterior of the property.

6.2.13 Septic System

Allwyn Environmental did not observe any septic systems or cesspools on the property. In addition, records review and interviews conducted during the course of this Phase I ESA did not identify the presence of these features on the exterior of the property.

7.0 INTERVIEWS

Mr. Jim Barr and Mr. Joe Barr, property owners, were interviewed by Mr. Derek Koller of Allwyn Environmental on May 5, 2009. Details of the interview were recorded on an Interview Documentation form contained in Appendix G. Pertinent information gathered from Mr. Jim Barr and Mr. Joe Barr during the interview has been incorporated into this Phase I ESA report.

8.0 FINDINGS AND CONCLUSIONS

8.1 SUMMARY

This section provides a summary of the historical use of the subject property based on review of readily-available historical documentation. Historical records indicate that the subject property has never been developed.

Neither the subject property nor the surrounding properties appear within the specified search radius on any historical record sources reviewed by Allwyn Environmental. The Phase I ESA revealed the presence of conditions that would suggest the presence of two RECs at the site as described in Section 8.3.

8.2 DATA GAPS

A data gap is defined as the lack or inability to obtain information required by ASTM E1527-05 despite good faith efforts by the environmental professional to gather such information. The environmental professional is required to document and comment on the significance of only those data gaps that affect the ability of the environmental professional to identify conditions indicative of releases or threatened releases of hazardous substances, pollutants, contaminants, petroleum and petroleum products, and controlled substances on, at, in, or to the subject property.

Allwyn Environmental did not identify a data gap in the preparation of this Phase I ESA.

8.3 RECOGNIZED ENVIRONMENTAL CONDITIONS

Allwyn Environmental has performed a Phase I Environmental Site Assessment in conformance with the scope and limitations of ASTM Practice E 1527-05 for the Trust 7659 property located west of the Mariposa Road and Target Range Road intersection in Nogales, Arizona (Parcel No. 113-49-027 Northern Half). Any exceptions to, or deletions from, this practice are described in Section 9.0 of this report. This assessment revealed evidence of three recognized environmental conditions in connection with the property:

- Bullet fragments were observed on the subject property, in the vicinity of the Border Patrol Shooting range in the northwest portion of the subject property. Bullet fragments varied in size and were found in large concentrations in the wash and hillside directly behind the shooting range. The bullet fragments likely result in elevated concentrations of lead in the soil. Further assessment of the soil through soil sample collection and analysis, and/or alternate means (e.g., X-ray fluorescence) should be conducted to evaluate the extent and magnitude of potential lead impact of the soil.
- There is an automobile salvage yard that is enclosed within the northwest portion of the subject property and encroaches onto the subject property (See Photographs No. 4 and 5 in the

Photographic Log). The position of the wash and local topography indicates that stormwater, potentially containing petroleum hydrocarbons and metals, could run on and through the subject property from the automobile salvage yard. Soil samples should be collected where stormwater runs onto the property and analyzed for polycyclic aromatic hydrocarbons (PAHs), volatile organic compounds (VOCs), and metals to evaluate the potential impact to soil and/or groundwater.

9.0 DEVIATIONS

This Phase I ESA was performed in general accordance with the requirements of the Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process (ASTM Designation: E1527-05). There were no substantive deviations, deletions, or additions to this practice, including client-imposed limitations.

10.0 QUALIFICATIONS OF ENVIRONMENTAL PROFESSIONAL

10.1 ENVIRONMENTAL PROFESSIONAL EXPERIENCE

Mr. Tod Whitwer, PE is a Registered Professional Engineer in the State of Arizona and has 20 years of experience in the environmental field. Mr. Whitwer's technical expertise includes site assessment and remediation; regulatory compliance; process engineering; Brownfields redevelopment; and project management services. He has participated in numerous Phase I ESAs as the lead professional, Principal, or staff professional for a diverse range of properties including industrial, manufacturing, commercial, residential, and undeveloped. He has extensive project management experience, including leading multiple task, multi-million dollar contracts. Mr. Whitwer holds a Bachelor of Science degree in Chemical Engineering and a Masters degree in Business Administration. Mr. Whitwer's resume is provided in Appendix H.

10.2 ENVIRONMENTAL PROFESSIONAL SIGNATURE AND STATEMENT

I declare that, to the best of my professional knowledge and belief, I meet the definition of Environmental Professional as defined in §312.10 of 40 CFR. I have the specific qualifications based on education, training, and experience to assess a property of the nature, history, and setting of the subject property. I have developed and performed the all appropriate inquiries in conformance with the standards and practices set forth in 40 CFR Part 312.

Signature of the Environmental Professional:

Tod R. Whitwer, PE
Allwyn Environmental
Environmental Professional

11.0 LIMITATIONS

Allwyn Environmental has performed our services for this project in accordance with Santa Cruz County's Notice To Proceed dated April 20, 2009, and with the Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process (ASTM E1527-05). No other guarantees or warranties are expressed or implied. These services were performed to the degree of skill and diligence normally employed by experienced professionals performing the same or similar services in the same geographic area at the time the services were performed.

This Phase I ESA was conducted solely to permit Allwyn Environmental to render a professional opinion regarding the likelihood of a recognized environmental condition (REC) being present on, in, or beneath the subject site at the time services were performed. No Phase I ESA is thorough or exhaustive enough to wholly eliminate uncertainty regarding the potential for RECs in connection with the property. In addition, the level of inquiry for each Phase I ESA is variable, consistent with good commercial or customary practice, and will consider the type of property subject to assessment, the expertise and risk tolerance of the user, and the information developed in the course of the inquiry.

Allwyn Environmental has examined and relied on written documents, oral statements, and observations made by others. We have assumed this information is true, correct, accurate, and complete, and have not conducted an independent examination of the materials and statements. Allwyn Environmental shall not be responsible for conditions or consequences arising from relevant facts that were concealed, withheld, or not fully disclosed, or for items that were not visible, accessible, or present on the site and adjoining sites at the time of the site reconnaissance.

Santa Cruz County, including its directors, officers, partners, employees, agents, contractors and their respective assigns, agree to limit Allwyn Environmental's liability (whether arising from contract, statutory violation, or tort) to the greater of \$25,000 or the amount of Consultant's fee. This limitation of liability shall apply to all phases of Services performed in connection with this Project, whether subsequent to or prior to the execution of this Agreement. In no event shall Consultant be liable for liquidated, consequential, incidental or special damages. To the fullest extent permitted by law, Santa Cruz County, including its directors, officers, partners, employees, agents, contractors and their respective assigns, agrees to indemnify, defend, and hold harmless Allwyn Environmental, its directors, officers, employees and subcontractors from and against all claims, liability, damages, or expenses ("Claims") arising out of, in connection with or relating to any alleged act, failure to act, or other conduct of Allwyn Environmental, including but not limited to, Claims alleging the negligence or other fault of Allwyn Environmental, but specifically excepting Claims arising out of Allwyn Environmental's sole negligence or willful misconduct. Santa Cruz County shall indemnify Allwyn Environmental even if Santa Cruz County is partially or wholly without fault for such Claims.

The laws of the State of Arizona shall govern interpretation of these terms and conditions. If any term is deemed unenforceable, the remainder of the Agreement shall stay in full force and effect.

Santa Cruz County and Allwyn Environmental shall attempt resolution of any dispute arising

under or related to this Agreement by mediation in the State of Arizona. Notwithstanding the foregoing, in the event of non-payment by Santa Cruz County, Allwyn Environmental may, at its sole option, waive mediation. Either party may demand mediation by serving a written notice on the other party stating the essential nature of the dispute. The mediation shall be conducted in accordance with the AAA Construction Industry Mediation Rules then in effect within forty-five (45) days from the service of notice. The parties shall share the fees equally. If mediation fails, either party may institute litigation in the State of Arizona. The prevailing party shall be entitled to reasonable attorneys' fees, cost, including costs incurred in the mediation and costs of enforcement of any judgment. The parties expressly waive any statute of limitations for a longer period of time and agree that any action shall be brought within one year from the date of Allwyn Environmental's final invoice. The parties expressly waive any and all rights to a trial by jury in any action, proceeding, or counterclaim brought by either of the parties against the other with respect to any matter relating to, arising out of or in any way connected with this Project.

Environmental regulatory criteria are continually changing. Therefore, environmental conditions, such as contaminant concentrations in certain media that are considered legal and acceptable at the time of this report may in the future be subject to different regulatory standards. Professional opinions and judgments expressed in this Phase I ESA are based on our understanding and interpretations of current regulatory standards and practices. This report is not meant to provide or represent legal opinions.

This document and the information contained herein have been prepared solely for the use of Santa Cruz County and their authorized representatives. Any reliance on this report by other parties shall be at such party's sole risk. Any future consultation or provision of services to third parties related to the property requires written authorization from Santa Cruz County or their representatives. Any such services may be provided at Allwyn Environmental's sole discretion and under terms and conditions acceptable to Allwyn Environmental, including potential additional compensation.

Allwyn Environmental shall sign certifications only if (a) Allwyn Environmental approves the form of such certification prior to the commencement of Services; (b) such certification is included in Allwyn Environmental's Services; (c) Allwyn Environmental receives additional compensation, if requested by Allwyn Environmental; and (d) the certification is limited to a statement of professional opinion and does not constitute a warranty or guarantee, express or implied. Any certification shall not relieve any entity of its obligations.

According to ASTM E1527-05, Phase I ESAs are generally valid for 180 days, unless site conditions or usage have changed to impact site environmental conditions. If within this period, the Phase I ESA is to be used by a different user than for whom the assessment was originally prepared, the new user must meet the User Responsibilities described in ASTM 1527-05.

This Phase I ESA may be used for up to 1 year from the date of issue, provided that the following inquiries are updated or conducted within 180 days of the date of purchase:

- Interviews with owners, operators, and occupants
- Searches for recorded environmental liens

- Review of federal, tribal, state, and local government records
- Visual inspection of the property and adjoining properties
- Declaration of the environmental professional responsible for the assessment or update

Our scope of services specifically did not address the following issues:

- Asbestos-Containing Material (ACM)
- Radon
- Lead-Based Paint
- Lead in Drinking Water
- Wetlands
- Regulatory Compliance
- Cultural and Historic Resources
- Industrial Hygiene
- Health and Safety
- Ecological Resources
- Endangered Species
- Indoor Air Quality
- High Voltage Powerlines

12.0 REFERENCES

¹ ASTM; Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process (Designation: E-1527-00); May 2000.

² Environmental Protection Agency; Environmental Assessment for Water System Improvements; City of Nogales, Sonora, Mexico; December 1999.

³ Arizona Department of Water Resources; Overview of the Arizona Groundwater Management Code; <http://www.azwater.gov/dwr/WaterManagement/Content/AMAs/SantaCruzAMA/default.htm>

⁴ Environmental Protection Agency; Environmental Assessment for Water System Improvements; City of Nogales, Sonora, Mexico; December 1999.

10.0 QUALIFICATIONS OF ENVIRONMENTAL PROFESSIONAL

10.1 ENVIRONMENTAL PROFESSIONAL EXPERIENCE

Mr. Tod Whitwer, PE is a Registered Professional Engineer in the State of Arizona and has 20 years of experience in the environmental field. Mr. Whitwer's technical expertise includes site assessment and remediation; regulatory compliance; process engineering; Brownfields redevelopment; and project management services. He has participated in numerous Phase I ESAs as the lead professional, Principal, or staff professional for a diverse range of properties including industrial, manufacturing, commercial, residential, and undeveloped. He has extensive project management experience, including leading multiple task, multi-million dollar contracts. Mr. Whitwer holds a Bachelor of Science degree in Chemical Engineering and a Masters degree in Business Administration. Mr. Whitwer's resume is provided in Appendix H.

10.2 ENVIRONMENTAL PROFESSIONAL SIGNATURE AND STATEMENT

I declare that, to the best of my professional knowledge and belief, I meet the definition of Environmental Professional as defined in §312.10 of 40 CFR. I have the specific qualifications based on education, training, and experience to assess a property of the nature, history, and setting of the subject property. I have developed and performed the all appropriate inquiries in conformance with the standards and practices set forth in 40 CFR Part 312.

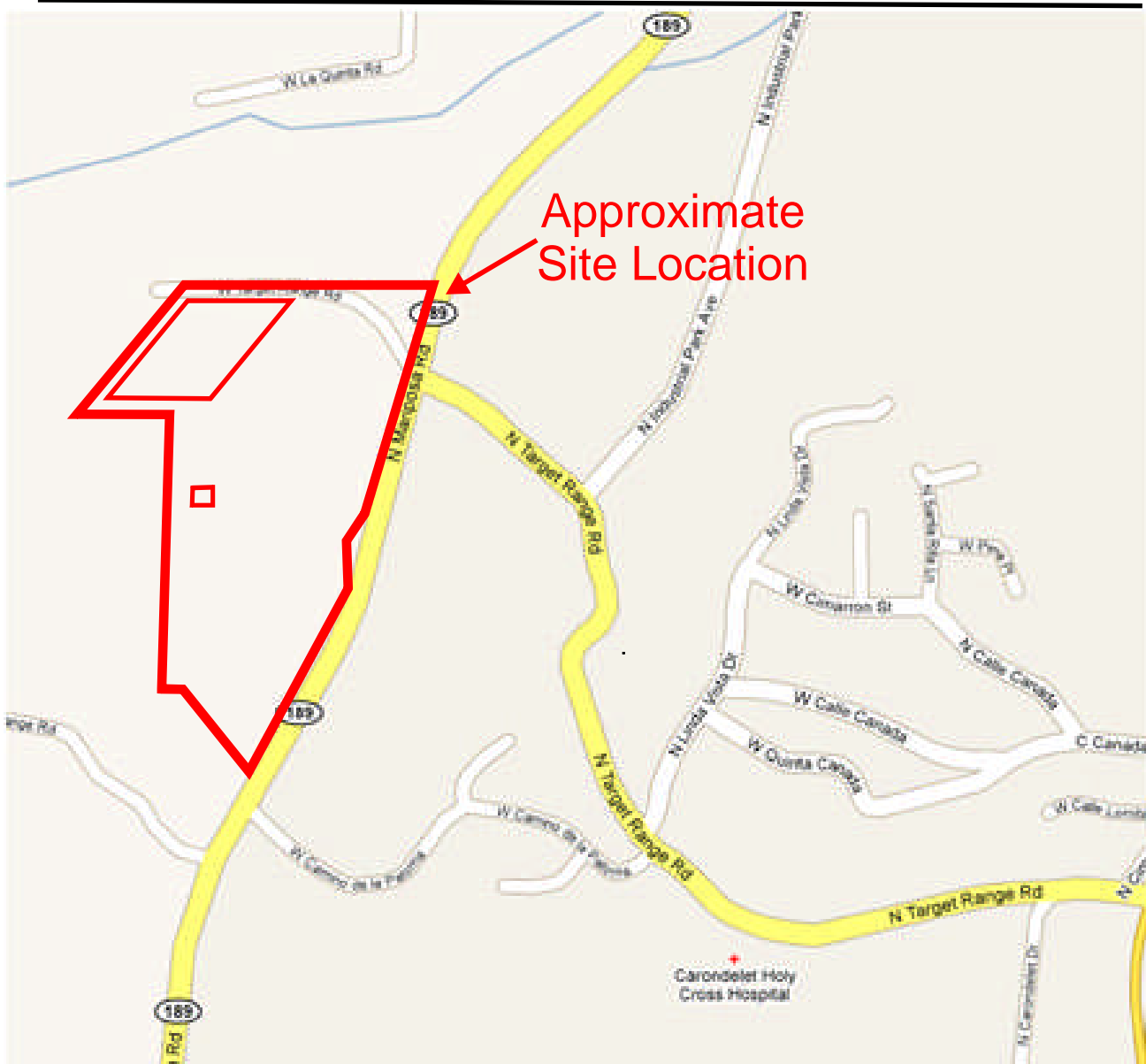
Signature of the Environmental Professional:



Tod R. Whitwer, PE
Allwyn Environmental
Environmental Professional

FIGURES

**FIGURE 1
VICINITY MAP**



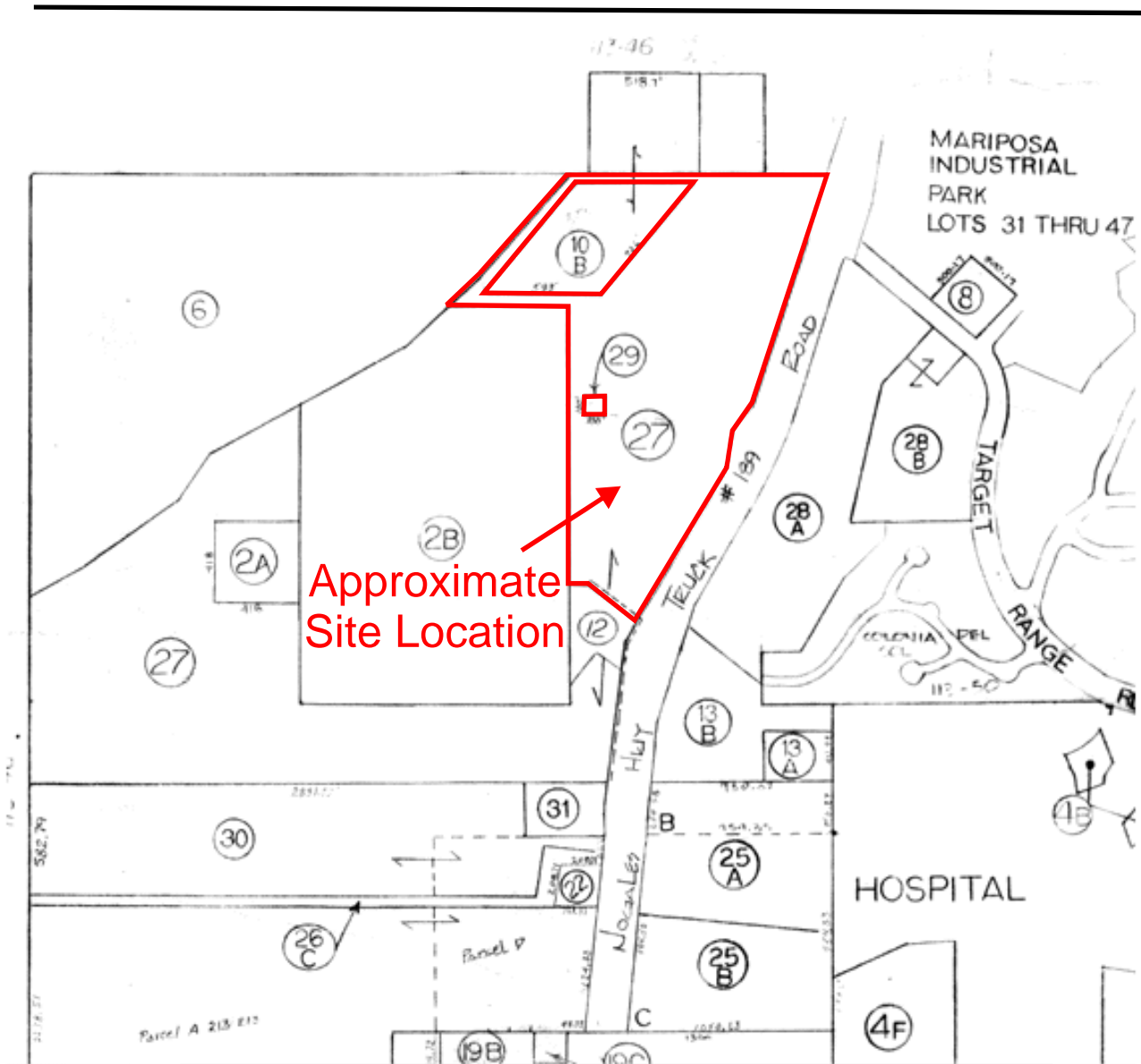
Map Source: Google Maps

Santa Cruz County
Allwyn Environmental Job No. 010-018
Phase I Environmental Site Assessment - Hazardous Statements
Trust #7659 Property, LLC Property
Nogales, Arizona (Parcel No. 113-49-027- North)
May 8, 2009

ae

Allwyn Environmental
An Allwyn Priorities, LLC
Company

FIGURE 2 PARCEL MAP



Map Source: <http://www.sccaz-assessor.org/PDFs/113.49.PDF>

Santa Cruz County
Allwyn Environmental Job No. 010-018
Phase I Environmental Site Assessment - Hazardous Substances
Trust #7659 Property, LLC Property
Nogales, Arizona (Parcel No. 113-49-027- North)
May 8, 2009

ae

Allwyn Environmental
An Allwyn Priorities, LLC
Company

**FIGURE 3
AERIAL PHOTOGRAPH**



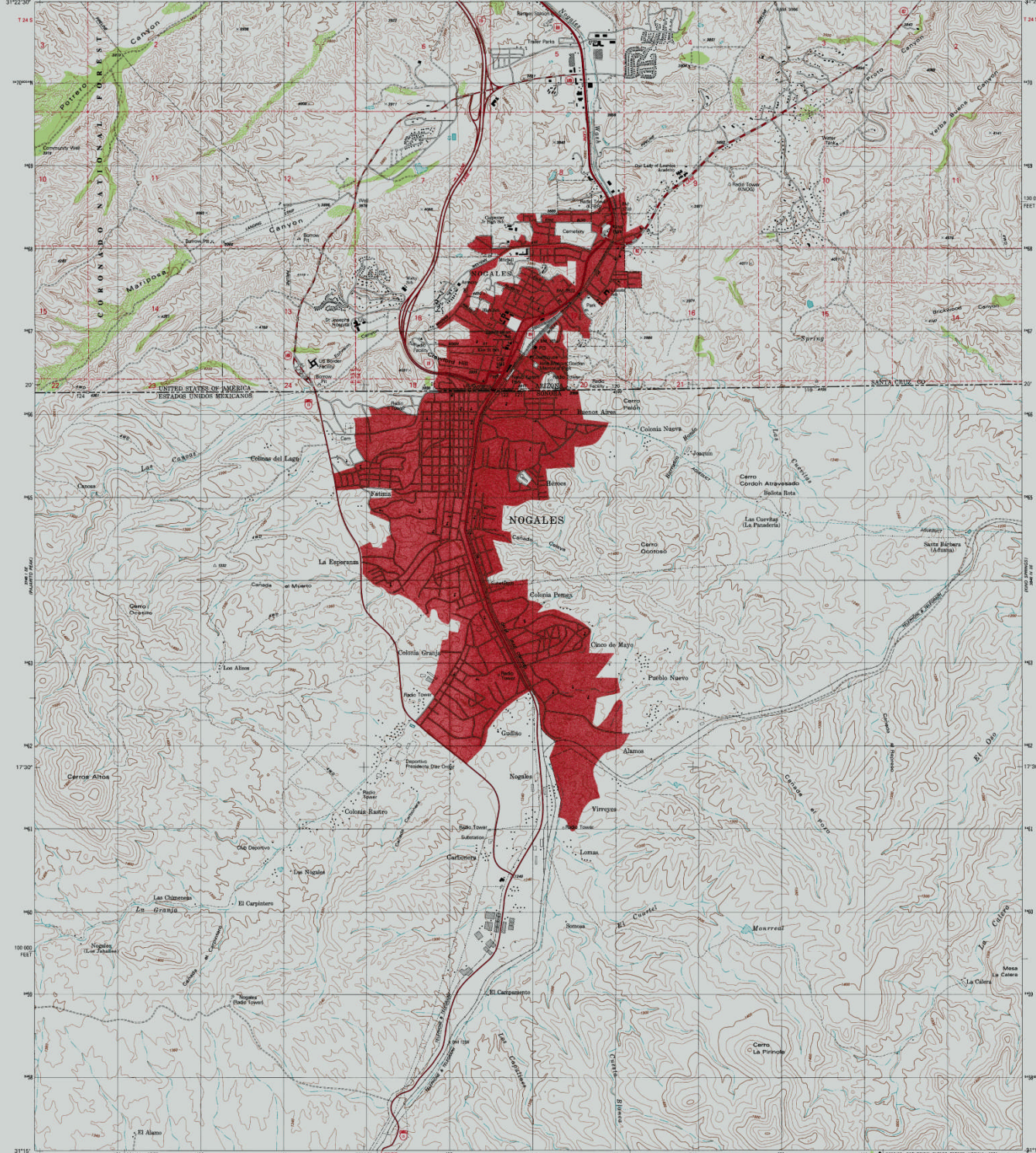
Map Source: Google Earth

Santa Cruz County
Allwyn Environmental Job No. 010-018
Phase I Environmental Site Assessment- Hazardous Substances
Trust #7659 Property, LLC Property
Nogales, Arizona (Parcel No. 113-49-027- North)
May 8, 2009

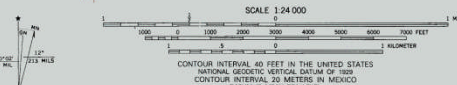
ae
Allwyn Environmental
An Allwyn Priorities, LLC
Company

APPENDIX A

TOPOGRAPHIC MAPS



Produced by the United States Geological Survey
Control by USGS, NOS/NOAA, International Boundary and Water Commission, and
Direccion General de Geografia del Territorio Nacional (DIGETERRA)
U.S. portion compiled by photogrammetric methods from aerial photographs
taken 1976. Field checked 1976. Map edited 1981
Mexico portion copied from DIGETERRA 1:50,000-scale map, Nogales H12831 dated 1979
Projection and 10,000-foot grid ticks: Azusa coordinate
system, central zone transverse Mercator
1000-meter Universal Transverse Mercator grid, zone 12
1983 North American Datum
To align on the previous North American Datum 1983
more the projection lines 10 meters south and
62 meters east as shown by dashed corner ticks
Red tint indicates areas in which only landmark buildings are shown
There may be private inholdings within the boundaries of
the National or State reservations shown on this map



THE U.S. PORTION OF THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS
FOR SALE BY U.S. GEOLOGICAL SURVEY DENVER COLONADO 80225 OR RESTON VIRGINIA 20192
AND BY CENTRO DE ASSESORIA Y VENTA DE INFORMACION ESTADISTICA Y CARTOGRAFICA
BALDWIN #71, MEZQUITA, MEXICO 1, D.F.
A FOLDER DESCRIBING U.S. TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE FROM USGS



NOGALES, ARIZ.-SONORA
SMA NOGALES 14 69-SERIES 1986
1981
DMA 3646 IV 69-SERIES 1986

APPENDIX B

REGULATORY DATABASE SEARCH REPORT



14947 W. Piccadilly Road, Goodyear, AZ 85395 • Phone: 623-535-7800 • Fax: 623-535-7900
www.allands.com • e-mail: sharon@allands.com

Historical Title and Environmental Research

REGULATORY DATABASE (ASTM) SEARCH

YOUR FILE NO:

ALLANDS FILE NO: 2009-04-114D

DATE OF REPORT: April 28, 2009

ALLANDS hereby reports the search results of Federal and State Databases according to ASTM standards for Phase I Environmental Site Assessments E 1527-05. Allands is not responsible for errors in the available records. The total liability is limited to the fee paid for this report. This is a confidential, privileged and protected document for the use of Allwyn Priorities, L.L.C.

1. The land referred to in this report is located in Santa Cruz County, Arizona, described as follows:

Property located West of Mariposa Road (State Route 189), near Target Range Road, Nogales, Arizona, being in Section 13, Township 24 South, Range 13 East, Gila and Salt River Base and Meridian.

REGULATORY DATABASE SEARCH SUMMARY

Database	Date of Database	Approximate Minimum Search Distance (miles)	Reported Facilities
Standard Federal ASTM Environmental Record Sources			
NPL (National Priorities List) / Proposed NPL / DOD (Department of Defense Sites)	03/09	1.0	0
Delisted National Priorities List	03/09	0.5	0
CERCLIS (Comprehensive Environmental Response, Compensation and Liability Information System)/No Further Remedial Action Planned (NFRAP)	03/09	0.5	1
RCRA (Resource Conservation and Recovery Act) Large and Small Quantity Generators	03/09	0.125	0
RCRA – CORRACTS TSDFs (Corrective Action Treatment, Storage, and Disposal Facilities)	03/09	1.0	0
RCRA – Non-CORRACTS TSDFs	03/09	0.5	0
ERNS (Emergency Response Notification System)	03/09	0.125	0
Standard State ASTM Environmental Record Sources			
WQARF (Water Quality Assurance Revolving Fund) Areas	03/09	1.0	0
Superfund Program List (replaces ACIDS)	08/04	0.5	0
Solid Waste Facilities/Landfill Sites – Operating and Closed	05/99 & 05/04	0.5	0
Control Registries	03/09	Site and adjoining	0
Brownfields / Voluntary Remediation Program	03/09	0.5	0
Registered USTs (Underground Storage Tanks)	05/08	0.125	0
LUSTs (Leaking Underground Storage Tanks) Incident Reports	05/08	0.5	0
Additional Environmental Record Sources			
RCRA Compliance Facilities	03/09	0.125	0
Hazardous Materials Incidents Emergency Response Logbook	1984-06/01	0.125	0
ADEQ Drywell Registration Database	03/09	0.125	0
Environmental Permits	03/09	Site	0
Fire Insurance Maps	Various	Site and adjoining	0
Topographical / Aerial Maps	See text	Site and adjoining	1
VEMUR / DEUR / LIENS / DEURTRACKER	03/09	Site	0
Arizona Department of Water Resources Well Registration Database	06/08	Site and adjoining	See Text

Allands contacts the appropriate sources on a monthly basis to maintain currency of data

Standard Federal ASTM Environmental Record Sources

SUPERFUND NATIONAL PRIORITIES LIST (NPL)

Under Section 105 of the Comprehensive Environmental Response, Compensation and Liability Act the Environmental Protection Agency established a National Priorities List (NPL) of Superfund sites. In addition, Proposed NPL and DOD (Department of Defense) Sites are researched in the section. These databases are provided by the EPA and the Arizona Department of Environmental Quality, dated March, 2009, and searched to identify all NPL/Proposed NPL/ DOD sites within a 1.0 mile search distance from subject property exterior boundaries.

Note: Due to inconsistency between the general area site description in the Narrative site information and the detailed site map, the distance/directions are determined based upon the most current site map available from ADEQ.

No National Priorities List (NPL) / Proposed NPL / DOD Sites were found located within a 1.0 mile search distance from subject property exterior boundaries.

DELISTED NATIONAL PRIORITIES LIST

Site may be delisted from the National Priorities List where no further response is appropriate. This database is provided by the Environmental Protection Agency, dated March, 2009, and searched to identify all Delisted NPL Sites within a 0.5 mile search distance from subject property exterior boundaries.

No Delisted National Priorities List (NPL) Sites were found located within a 0.5 mile search distance from subject property exterior boundaries.

FEDERAL CERCLIS / NFRAP LIST

The CERCLIS list contains sites which are either proposed to or on the NPL and sites which are in the screening and assessment phase for possible inclusion on the NPL. Those sites on the NFRAP list have no further remedial action planned. This database is provided by EPA dated March, 2009, and searched for facilities within a 0.5 mile search distance from subject property exterior boundaries.

EPA ID	NFRAP	FACILITY	ADDRESS	DISTANCE/ DIRECTION
AZD983474602	X	Optimize Manufacturing Co.	180 N Freeport Dr, Bldg. W-10	0.4 mi. South

RESOURCE CONSERVATION AND RECOVERY ACT FACILITIES (RCRA)

Under RCRA the Environmental Protection Agency compiles a database of facilities that are involved in the generation of hazardous materials. This database is from the Arizona Department of Environmental Quality RCRAInfo Database, dated March, 2009 and checked for Federal RCRA facilities located within a <=0.125 mile search distance from subject property exterior boundaries.

No Federal RCRA handlers were found located within a <=0.125 mile search distance from subject property exterior boundaries.

CODES:

LQG: Large quantity generator (more than 1000 kg per month)
SQG: Small quantity generator (100 – 1000 kg per month)
CEG: Conditionally exempt small quantity generator (less than 100 kg per month)
N : Not a generator verified or inactive generator

CORRACTS FACILITIES

Under RCRA the Environmental Protection Agency compiles a database of Corrective Action Sites, sites with known contamination. Also known as the RCRA CORRACTS List, this is a list maintained by the EPA of RCRA sites at which contamination has been discovered and where some level of corrective clean-up activity has been undertaken. For example, a site may have been on the RCRA TSD or the RCRA Generators site list, and was placed on the CORRACTS list once contamination was discovered and remediation was underway. This database is dated March, 2009, and checked for facilities which occurred within a 1.0 mile search distance from subject property exterior boundaries.

No Facilities were found which occurred within a 1.0 mile search distance from subject property exterior boundaries.

TSD FACILITIES

Under RCRA the Environmental Protection Agency compiles a database of facilities that are involved in the transportation, treatment, storage, or disposal of hazardous materials. This database is from the Arizona Department of Environmental Quality Arizona Hazardous Waste Treatment, Storage and Disposal Facilities, dated March, 2009, and checked for Facilities which occurred within a 0.5 mile search distance from subject property exterior boundaries.

No TSD Facilities were found which occurred within a 0.5 mile search distance from subject property exterior boundaries.

FEDERAL EMERGENCY RESPONSE NOTIFICATION SYSTEM (ERNS) LIST

The ERNS list is a national database used to collect information on reported releases of oil and hazardous substances. This database is provided by the National Response Center and the EPA through the Right of Know Net by OMB Watch and Unison Institute from 1983 to March, 2009, and checked for incidents located within a ≤ 0.125 mile search distance from subject property exterior boundaries.

No incidents were found located within a ≤ 0.125 mile search distance from subject property exterior boundaries.

Standard State ASTM Environmental Record Sources

WATER QUALITY ASSURANCE REVOLVING FUND (WQARF)

The state of Arizona established a remedial program under A.R.S. 49-282 to facilitate the conservation and clean-up of Arizona drinking water and water sources. Under the authority of the WQARF program, the state actively identifies any actual or potential impact upon state waters, evaluates the extent of contamination, identifies parties responsible, and provides money grants to assist in clean-up activities. This database is provided by the Arizona Department of Environmental Quality dated March, 2009, and searched to identify all WQARF sites within a 1.0 mile search distance from subject property exterior boundaries.

Note: Due to inconsistency between the general area site description in the Narrative site information and the detailed site map, the distance/directions are determined based upon the most current site map available from ADEQ.

No WQARF Registry List sites were found located within a 1.0 mile search distance from subject property exterior boundaries.

ARIZONA SUPERFUND PROGRAM LIST

The Arizona Superfund Program List replaces the Arizona CERCLIS Information Data System (ACIDS). This list is more representative of the sites and potential sites within jurisdiction of the Arizona Department of Environmental Quality Superfund Programs Section (SPS). This database is provided by the Arizona Department of Environmental Quality, dated August, 2004, and searched to identify all sites within a 0.5 mile search distance from subject property exterior boundaries.

No facilities on the Arizona Superfund Program List were found located within a 0.5 mile search distance from subject property exterior boundaries.

Program Status codes:

Pending PI	WQARF Preliminary Investigation (PI) is scheduled or in process
On Registry	PI has resulted in inclusion of a site on the WQARF Registry
ACTIVE	The Department of Defense is presently addressing the site
On NPL	site has been listed on the CERCLA National Priorities List

LANDFILLS

The state of Arizona maintains listings of closed and permitted, operating landfills and solid waste dump sites. Lists of closed facilities are not necessarily complete - older dumping areas may not be documented. This database is from the Arizona Department of Environmental Quality Waste Programs Division; Solid Waste Section Directory of Arizona Active and Inactive Landfills dated May, 1999 and May, 2004, and checked for active and inactive landfills located within a 0.5 mile search distance from subject property exterior boundaries.

No active nor inactive landfills were found located within a 0.5 mile search distance from subject property exterior boundaries.

Codes:

MSWLF: Municipal Solid Waste Landfills
CSWLF: Closed Solid Waste Landfills
CSWOD: Closed Solid Waste Dumps

CONTROL REGISTRIES

Under ASTM E 1527-05, Federal, State and Tribal institutional control / engineering control registries need to be researched. The Arizona Department of Environmental Quality has developed the AZURITE Database, reviewed through ADEQ GIS eMaps, which retrieves any institutional or engineering controls, dated March, 2009, and searched for sites which occurred at subject property or adjoining properties.

No institutional or engineering controls were found which occurred at subject property or adjoining properties.

BROWNFIELDS / VOLUNTARY CLEANUP PROGRAM

The Arizona Department of Environmental Quality has developed the AZURITE Database, reviewed through ADEQ GIS eMaps, which includes the ADEQ Voluntary Remediation Program and the ADEQ Brownfields Tracking System, dated March, 2009, and searched for sites which occurred within a 0.5 mile search distance from subject property exterior boundaries.

No brownfield sites were found which occurred within a 0.5 mile search distance from subject property exterior boundaries.

REGISTERED UNDERGROUND STORAGE TANKS (UST)

State (A.R.S. 49-1001 to 1014) and Federal (RCRA Subtitle I) laws require that persons who own or have owned underground storage tanks containing “regulated substances” complete a notification form and register the tank with the state. Tribal UST records are researched when subject property exterior boundaries are within search distance of Tribal lands. This database is from the Arizona Department of Environmental Quality UST Log dated May, 2008, and searched for UST sites located within a ≤ 0.125 mile search distance from subject property exterior boundaries.

No registered underground storage tanks were found located within a ≤ 0.125 mile search distance from subject property exterior boundaries.

REGISTERED LEAKING UNDERGROUND STORAGE TANKS (LUST)

Owners of USTs are required to report to the Arizona Department of Environmental Quality any and all releases of tank contents for which ADEQ maintains an ongoing file documenting the nature of contamination and the status of each such incident. Tribal LUST records are researched when subject property exterior boundaries are within search distance of Tribal lands. This database is from the ADEQ LUST Log dated May, 2008, and searched for LUST sites located within a 0.5 mile search distance from subject property exterior boundaries.

No registered leaking underground storage tanks were found located within a 0.5 mile search distance from subject property exterior boundaries.

Additional Environmental Record Sources

RESOURCE CONSERVATION AND RECOVERY ACT (RCRA) COMPLIANCE FACILITIES

The RCRA Compliance Log lists facilities that have been or presently are under investigation for non-compliance with RCRA regulations. Inclusion of any facility on this list indicates a history of compliance problems and RCRA regulatory violation. This database is from the Arizona Department of Environmental Quality RCRA Compliance Log, dated March, 2009, and searched for compliance facilities within a ≤ 0.125 mile search distance from subject property exterior boundaries.

No compliance facilities were found located within a ≤ 0.125 mile search distance from subject property exterior boundaries.

HAZARDOUS MATERIAL INCIDENTS

The Arizona Department of Environmental Quality (ADEQ) Response Team documents spills and incidents involving hazardous materials that are reported to the unit. This database is from the Arizona Department of Environmental Quality Emergency Response Log from 1984 through June, 2001, and checked for hazardous material incidents located within a ≤ 0.125 mile search distance from subject property exterior boundaries.

No hazardous material incidents were found located within a ≤ 0.125 mile search distance from subject property exterior boundaries.

ADEQ DRY WELL REGISTRATION DATA BASE

Dry wells are constructed for the purpose of collecting storm waters. Dry wells are required to be registered with ADEQ. This database is from the ADEQ dry well registration database dated March, 2009, and searched for dry wells located within a ≤ 0.125 mile search distance from subject property exterior boundaries.

No registered dry wells were found located within a ≤ 0.125 mile search distance from subject property exterior boundaries.

ENVIRONMENTAL PERMITS

These lists include Groundwater Permits, Reuse Permits; National Pollutant Discharge Elimination System (NPDES) Permitted Facilities and Aquifer Protection Permits. Any facility which discharges a material that directly or indirectly adds any pollutant to the waters of the state may be required to obtain a permit as required by the Aquifer Protection Permit Rules. These databases are from the Arizona Department of Environmental Quality through its AZURITE Database System and the Environmental Protection Agency and updated to March, 2009, and checked for inclusion of subject property.

Subject property was not found on these lists.

FIRE INSURANCE MAPS

A review was made at the Arizona State Capital Archives for Fire Insurance Maps, more commonly known as Sanborn Maps, which covered the area in which the subject property is located. Subject property is not located within the boundaries of available maps.

USGS 7.5 MINUTE TOPOGRAPHICAL MAPS

The United States Geological Survey Topographic maps are derived from Terrain Navigator Software from Maptech, Inc. (www.maptech.com) and are for informational purposes only.

NAME	TYPE	DATE	REVISION	CONTOUR
Nogales	Topo	1981	None	40 feet

VOLUNTARY ENVIRONMENTAL MITIGATION USE RESTRICTIONS BY OWNERS (VEMUR'S); DECLARATION OF ENVIRONMENTAL USE RESTRICTIONS (DEUR); AND ENVIRONMENTAL LIENS

A.R.S. 49-152. This states that the Director of the Arizona Department of Environmental Quality shall allow property owners, who have voluntarily elected to remediate their property for nonresidential uses, to record in the applicable county recorders office a VEMUR limiting, by legal description, the area necessary to protect public health and the environment to nonresidential uses if contamination remains on the property at or above certain levels. In accordance with Arizona Administrative Code (A.A.C.) R18-7-201 et. Seq., a Declaration of Environmental Use Restriction (DEUR) is a voluntary notice to deed which restricts the use of a property to non-residential use. ADEQ maintains a repository listing of sites remediated under programs administered by the department. This is called the Remediation and DEUR Tracking System (RDT) ADEQ's RDT was researched for inclusion of subject property.

No VEMUR'S, DEUR'S; Environmental Liens, or activity and use limitations, if any, were found currently recorded against the property as searched at the subject county recorders office.

**ARIZONA DEPARTMENT OF WATER RESOURCES
WELL REPORT**

This database is from the Arizona Department of Water Resources Well Report Operations Division Report, dated June, 2008. This report identifies existing wells sequenced by legal description and checked for inclusion of subject site and adjacent properties within 10 Acres.

Imaged Records are available at: <http://www.water.az.gov/adwr/Content/ImagedRecords/default.htm>

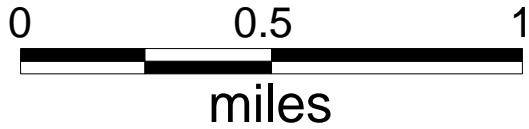
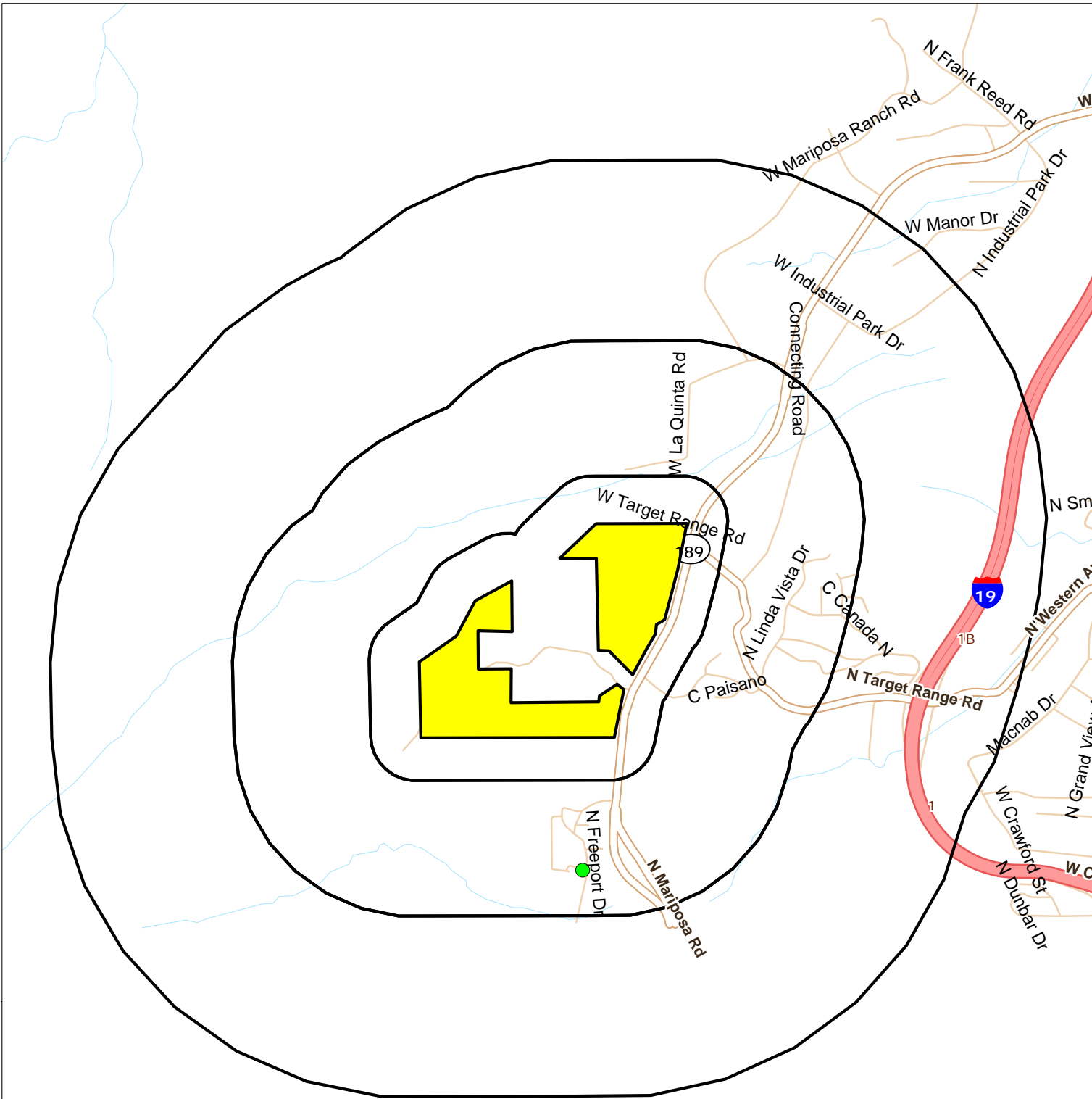
Water Uses (WU)

- A Irrigation
- B Utility (Water Co.)
- C Commercial
- D Domestic
- E Municipal
- F Industrial
- G Recreational
- H Remediation
- I Mining
- J Stock
- K Other - Exploration
- L Drainage
- M Monitoring
- N None
- O Other - Non-Production
- R Recharge
- T Test
- V dewatering

Legal Description

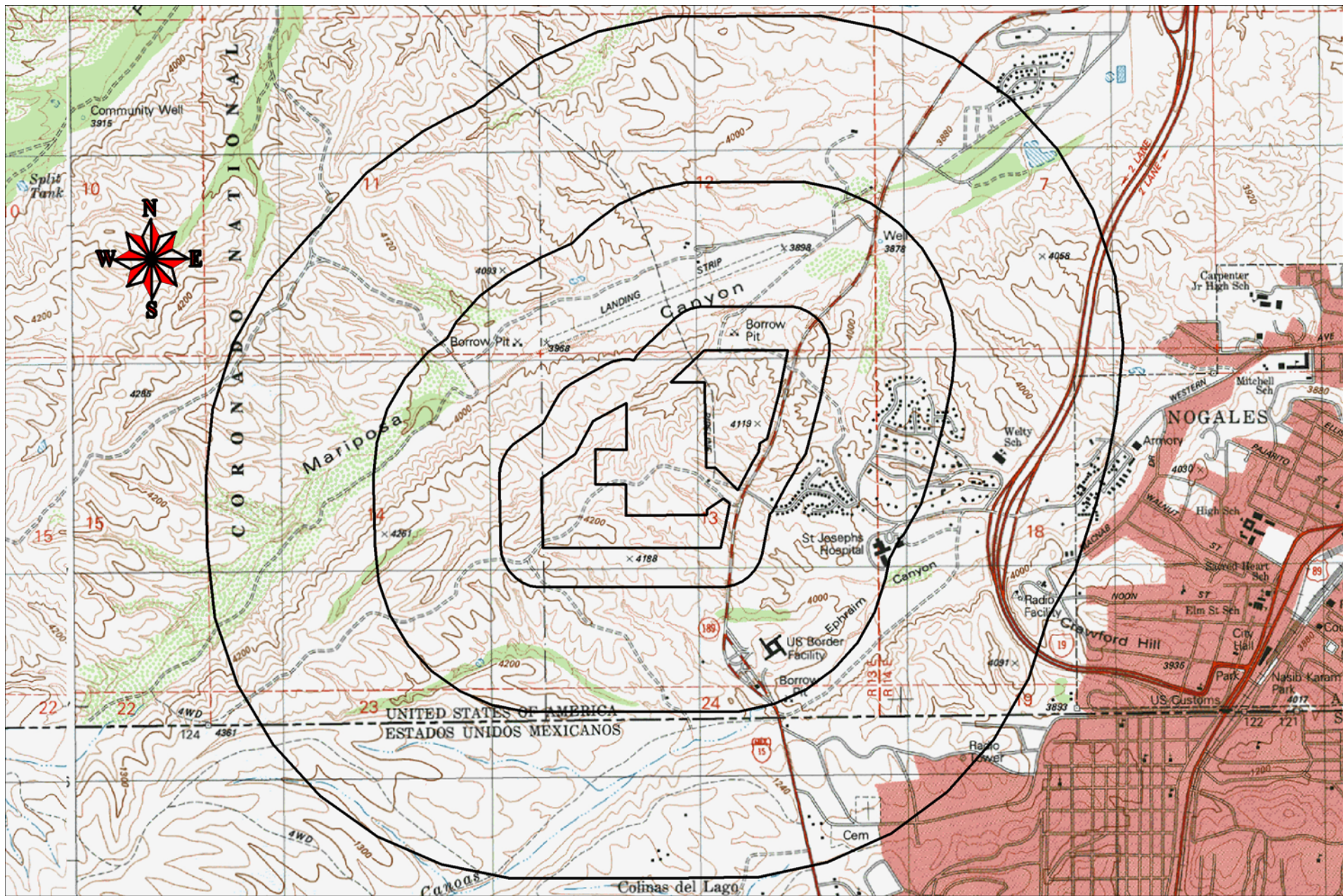
- T Township
- N/S North or South
- R Range
- E/W East or West
- S Section
- Q1 Quarter of Section (160 Acres)
- Q2 Quarter Quarter of Section (40 Acres)
- Q3 Quarter Quarter Quarter of Section (10 acres)
- ID Well Registration Number
- WD Well Depth
- WL Water Level
- DIA Casing width

ID	T	N/S	R	E/W	S	Q1	Q2	Q3	WU	WD	WL	DIA	NAME
636229	24	S	13	E	13	NE	NW	NE	D	435	135	8	Multi Metals Inc,
590844	24	S	13	E	13	NE	NW	NW	N				El Paso Natural Gas
085508	24	S	13	E	24	NE	NE	NE	D	0	0	0	Parker,B R
542590	24	S	13	E	24	NE	NW	NE	N	0	0	0	General Serv Admin,



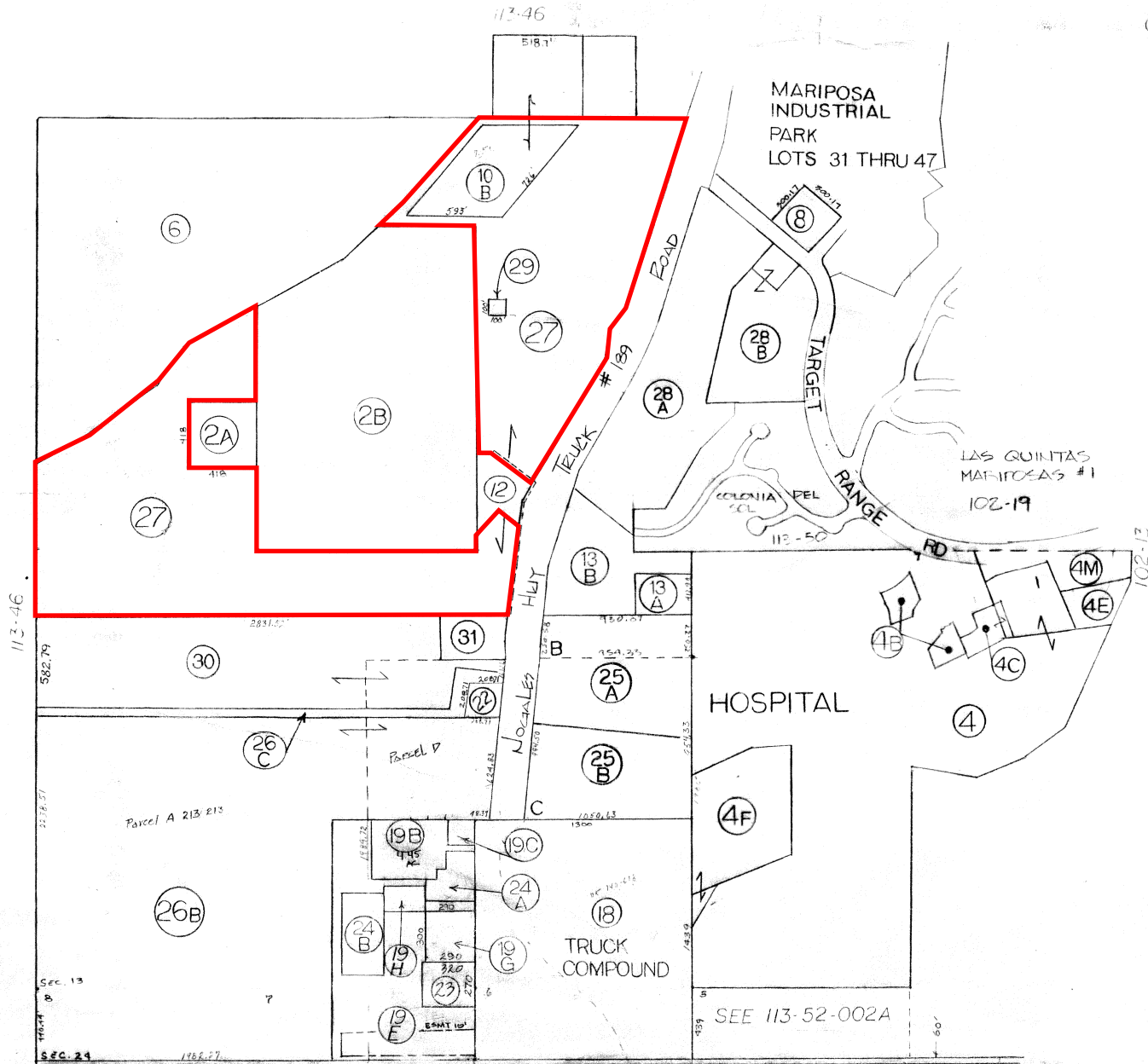
LEGEND

	SITE	USTs	CERCLA / NFRAP	RCRA (Generators, TSD & CORRACTS TSD)	SCHOOL
		LUSTs	LANDFILLS	RCRA COMPLIANCE	



113 49 2

0101 & 1



MAP CHANGE	DATE
SPLIT 20 TO 41B	2-3-82
SPLIT 19 TO A+B+C	4-19-83
SPLIT 19A TO E&F	8-12-83
APPROX 20c FROM 20B	
CONCEDED 7 W/ 20A	2-12-84
MADE 20B FROM 20A	12-21-87
SPLIT 20A & 20B	6-9-88
20A & 20B TO 25 & 26	7-18-89
MADE 41C FROM 4	12-20-89
Cancelled 20A & 20B	
20c Change 27 & 28	2-21-90
MADE 29 FROM 27	3-29-90
UNDEVELOPED 15 & 20D PARCELS	
113-49-013 & 015B	2-19-94
SPLIT 4A TO D & E	3-4-94
MADE 4H FROM 4	4-9-94
SPLIT 20c TO A & B	11-26-97
APPROX 4 F FROM 4	01-22-98
SPLIT 40 TO 4H & 4M	2-24-98
CONCEDED 4D & 4E TO 4	
SPLIT 28 TO A & B	7-10-98
MADE 20c FROM 20b	5-13-01
SPLIT 20A TO 30 & 31	5-25-04



SCALE 1"=600'



Santa Cruz County Assessor Parcel Search

[Back to Santa Cruz County Page](#)

Data updated Yesterday

Enter parcel number in the format xxx-xx-xxx and press Submit.

Don't know your Parcel Number?

Address Search
Owner Search
Legal Search
List First APN by Subdivision

Previous
Parcel No.
Next

Tax Year

Submit Query
Reset

Parcel Information

Tax Year: 2008

Total Tax Due: (no amount listed)

Parcel Number: 113-49-027

[Click for Map PDF](#)

[Click for Improvement Info](#)

Site Address: (not assigned)

Owner: TRUST #7659 PROPERTY L L C

Owner 2:

Mailing Address: 1605 N INDUSTRIAL PARK DRIVE SUTIE E

City: NOGALES

State: AZ

Zip: 85621

Full Cash Value: \$1,940.00

Assessed Full Cash Value: \$310.00

Limited Value: \$1,940.00

Assessed Limited Value: \$310.00

Value Method: (not specified)

Exempt Amount: \$0.00

Exemption Type: (not exempt)

Use Code: 4710

Property Use: RANCH PROPERTY

Class Code: AG/VACANT LAND/NON-PROFIT-REAL PROPERTY AND IMPRO

Assessment Ratio: 16.00 %

Last Sale Information

[Sale Price \(click for info\):](#) \$0.00

Sale Date: 12/28/1994

Recorded Instrument Type: OTHER

Book: 657

Page: 250

[Access Recorder's theCountyRecorder site](#)

Legal Description Information

Parcel Size: 97.00

Unit Type: ACRES

Legal Description:

A PT IN THE N2 N2 N2 SW4; NW4 NW4 NW4SE4; PT
OF THE N2 OF
SEC 13 LYNG WESTERLY OF HWY 189 T24S R13E
DKTS 509/449,

To view map PDFs, you must have Adobe Acrobat Reader installed on your system. Click this button to download the free Reader if you do not already have it.



This site uses browser 'pop-ups' to display help information. If you use a 'pop-up' blocker, you will not be able to see these help windows. For additional information regarding using browsers other than Internet Explorer, click Browser Help button.

[Browser Help](#)

[Back to Santa Cruz County Page](#)

PDFs\

APPENDIX C

USER INFORMATION DOCUMENTATION FORM

**USER INFORMATION
DOCUMENTATION FORM**

Project Name: 010-018/010-019

Project Location: NOGALES ARIZONA PARCEL: 113-49-027

User: JIM AND JOE BARR

Title: OWNERS - MARIPOSA PROPERTIES

Date Completed: MAY 5, 2009 Completed By: DEREK KOELLER

In order to qualify for the landowner liability protections offered by the Small Business Liability Relief and Brownfields Revitalization Act of 2001, the user must provide the following information (if available) to the environmental professional.

Question No.	Topic	Yes	No	Unknown or Uncertain	Comment No.
1	Are you aware of environmental cleanup liens against the property that are filed or recorded under federal, tribal, state, or local law?		X		
2	Are you aware of any activity and use limitations (AULs), such as engineering controls, land use restrictions, or institutional controls that in place at the site and/or have been filed or recorded in a registry under federal, tribal, state, or local law?		X		
3	Do you have any specialized knowledge or experience related to the property or nearby properties? For example, are you involved in the same line of business as the current or former property occupants or an adjoining property so that you would have specialized knowledge of the chemicals/processes used by this type of business?	X			132
4	Does the purchase price reasonably reflect the fair market value of the property? If you conclude that there is a difference, have you considered whether the lower purchase price is because contamination is known or believed to be present at the property?	X			

**USER INFORMATION
DOCUMENTATION FORM**

Question No.	Topic	Yes	No	Unknown or Uncertain	Comment No.
5	<p>Are you aware of commonly known or reasonably ascertainable information about the property that would help the environmental professional to identify conditions indicative of releases or threatened releases? For example, as the user:</p> <ul style="list-style-type: none"> - Do you know the past property uses? - Do you know of specific chemicals that are present or once were present? - Do you know of spills or other chemical releases that have taken place? - Do you know of any environmental cleanups that have taken place? 	X			3
6	Based on your knowledge and experience related to the property are there any obvious indicators that point to the presence or likely presence of contamination at the property?	X			3

Additional Information: _____

Comment No. 1: Northern Portion: Property encloses an Automobile Salvage yard & Firing Range used by Border Patrol. Trucking Facility North of subject property.

Comment No. 2: Southern Portion: Closed Gas Station & Truck Maintenance and Salvage to the south.

Comment No. 3: Only indication is shooting range, i.e. lead contamination

APPENDIX D

ENVIRONMENTAL LIENS OR ACTIVITY AND USE LIMITATIONS REPORT



14947 W. Piccadilly Road, Goodyear, AZ 85338 • Phone: 623-535-7800 • Fax: 623-535-7900
www.allands.com • e-mail: sehodges@allands.com

Historical Title and Environmental Research

VOLUNTARY ENVIRONMENTAL MITIGATION USE RESTRICTIONS BY OWNERS (VEMUR); DECLARATION OF ENVIRONMENTAL USE RESTRICTIONS (DEUR); ENVIRONMENTAL LIENS; AND ADEQ AZURITE TRACKING SYSTEM SEARCH

YOUR FILE NO:

ALLANDS FILE NO: 2009-04-114T

Date of Report: April 28, 2009

Title Plant Date***: April 18, 2009

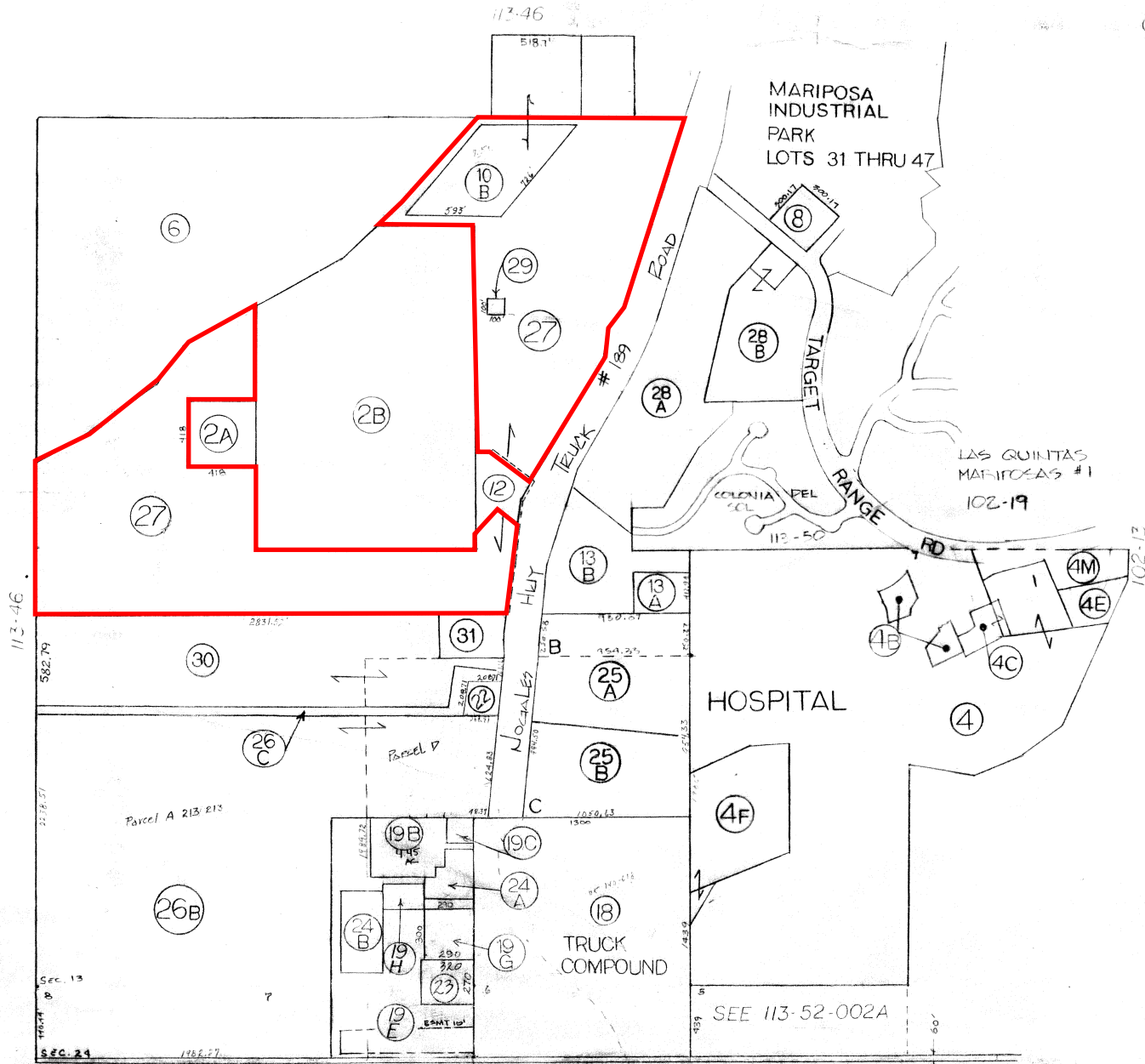
***The Title Plant Date reflects the most current data made available by the information sources used at the time the research was performed.

ALL LANDS hereby presents an Environmental Search Report to the land described below. The total liability is limited to the fee paid for this report. A.R.S. 49-152. This states that the Director of the Arizona Department of Environmental Quality shall allow property owners, who have voluntarily elected to remediate their property for nonresidential uses, to record in the applicable county recorders office a VEMUR limiting, by legal description, the area necessary to protect public health and the environment to nonresidential uses if contamination remains on the property at or above certain levels. In accordance with Arizona Administrative Code (A.A.C.) R18-7-201 et. Seq., a Declaration of Environmental Use Restriction (DEUR) is a voluntary notice to deed which restricts the use of a property to non-residential use. ADEQ AZURITE Tracking System has been researched to include the Voluntary Remediation Program, the Brownfields Program, and any institutional or engineering controls. Allands is not responsible for errors in the available records. The total liability is limited to the fee paid for this report. This is a confidential, privileged and protected document for the use of Allwyn Priorities, L.L.C.

1. The land referred to in this report is located in Santa Cruz County, Arizona.
2. Assessor's No.: 113-49-027
3. No VEMUR'S, DEUR'S; Environmental Liens, Brownfields, institutional controls, engineering controls, or activity and use limitations, if any, were found currently recorded against the property as searched at the subject county recorders office.

113 49 2

0101 & 1



MAP CHANGE	DATE
SPLIT 20 TO 4A B	2-3-82
SPLIT 19 TO A+B+C	4-19-83
SPLIT 19A TO E&F	8-12-83
APPROX 20c FROM 20B	
CONTRACT 7 W/ 20A	2-12-84
MADE 20B FROM 20A	12-21-87
SPLIT 20B FROM 20A	6-9-88
27th PD INTO 25 & 26	7-18-89
MADE 4B FROM 4	12-20-89
Cancelled 20A & 20B	
20c Change 27 & 28	2-21-90
MADE 29 FROM 27	3-29-90
UNDEVELOPED 15 & 20D PARCELS	
113-49-013 & 015 B	2-19-94
SPLIT 4A TO D & E	3-4-94
MADE 4H FROM 4	4-9-94
SPLIT 20c TO A & B	11-26-97
APPROX 4 F FROM 4	01-22-98
SPLIT 4D TO 4H & 4M	2-24-98
COMPLETED SPLIT TO 4	
SPLIT 28 TO A & B	7-10-98
MADE 20c FROM 20b	5-13-01
SPLIT 20A TO 30 & 31	5-25-04



SCALE 1"=600'



Santa Cruz County Assessor Parcel Search

[Back to Santa Cruz County Page](#)

Data updated Yesterday

Enter parcel number in the format xxx-xx-xxx and press Submit.

Don't know your Parcel Number?

[Address Search](#)
[Owner Search](#)
[Legal Search](#)

[List First APN by Subdivision](#)

Parcel No.

Tax Year 2008

Parcel Information

Tax Year: 2008

Total Tax Due: (no amount listed)

Parcel Number: 113-49-027

[Click for Map PDF](#)

[Click for Improvement Info](#)

Site Address: (not assigned)

Owner: TRUST #7659 PROPERTY L L C

Owner 2:

Mailing Address: 1605 N INDUSTRIAL PARK DRIVE SUTIE E

City: NOGALES

State: AZ

Zip: 85621

Full Cash Value: \$1,940.00

Assessed Full Cash Value: \$310.00

Limited Value: \$1,940.00

Assessed Limited Value: \$310.00

Value Method: (not specified)

Exempt Amount: \$0.00

Exemption Type: (not exempt)

Use Code: 4710

Property Use: RANCH PROPERTY

Class Code: AG/VACANT LAND/NON-PROFIT-REAL PROPERTY AND IMPRO

Assessment Ratio: 16.00 %

Last Sale Information

[Sale Price \(click for info\):](#) \$0.00

Sale Date: 12/28/1994

Recorded Instrument Type: OTHER

Book: 657

Page: 250

[Access Recorder's theCountyRecorder site](#)

Legal Description Information

Parcel Size: 97.00

Unit Type: ACRES

Legal Description:

A PT IN THE N2 N2 N2 SW4; NW4 NW4 NW4SE4; PT
OF THE N2 OF
SEC 13 LYNG WESTERLY OF HWY 189 T24S R13E
DKTS 509/449,

To view map PDFs, you must have Adobe Acrobat Reader installed on your system. Click this button to download the free Reader if you do not already have it.



This site uses browser 'pop-ups' to display help information. If you use a 'pop-up' blocker, you will not be able to see these help windows. For additional information regarding using browsers other than Internet Explorer, click Browser Help button.

[Browser Help](#)

[Back to Santa Cruz County Page](#)

PDFs\



INSTRUMENT # 9410414
 OFFICIAL RECORDS OF
 SANTA CRUZ COUNTY
 STACIA FONTES
 COUNTY RECORDER
 REQUEST OF :

BARR, GEORGE W.
 DATE: 12/28/94 TIME: 3.45
 FEE: 13.00
 DOCK 657 PAGE 250 PAGES: 11

at the request of Lawyers Title of Arizona, Inc.

when recorded mail to:

Deed

DOCK 657 PAGE 250

EXEMPT ARS42-1614 B-8

For the consideration of Ten Dollars, and other valuable considerations, I or we,

LAWYERS TITLE OF ARIZONA, INC., an Arizona Corporation, as Trustee under 7659-T

do hereby CONVEY unto

TRUST 7659 PROPERTY, L.L.C.

the following described real property situated in Santa Cruz County, Arizona

Legal description attached hereto and made a part hereof.

The beneficiaries are disclosed in Docket Book 635 at page 715, records of Santa Cruz County, Arizona.

SUBJECT TO: Current taxes and other assessments, reservations in patents and all easements, rights of way, encumbrances, liens, covenants, conditions, restrictions, obligations, and liabilities as may appear of record.

Dated this 23rd day of December, 19 94.
 Lawyers Title of Az., Inc., an Az. Corp., as
 Trustee under 7659-T and not otherwise.

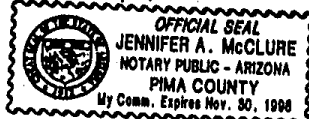
[Handwritten signature]

STATE OF ARIZONA)
 County of PIMA)

SS

This instrument was acknowledged before me
 this 23rd day of December, 19 94 by

Joyce M. Rodda, Asst. Vice President of Lawyers Title of
 Arizona, Inc., an Az. Corp., as the act of said corporation, as Trustee.



[Handwritten signature]
 Notary Public

STATE OF)
 County of)

SS

My commission will expire 11/30/98
 This instrument was acknowledged before me
 this _____ day of _____, 19__ by

E-24C 4/87

My commission will expire

Notary Public

August 29, 1989

PARCEL A

PART 1

DOCK 657 PAGE 251

A portion of Section 6, Township 24 South, Range 14 East, Gila and Salt River Meridian, Santa Cruz County, Arizona, described as follows:

Beginning at the Northwest corner of Lot 5 of said Section 6;

THENCE N 89°33'13" E a distance of 400.00 feet to the TRUE POINT OF BEGINNING;

THENCE N 89°33'13" E a distance of 448.41 feet;

THENCE S 00°26'47" E a distance of 190.00 feet;

THENCE N 66°58'46" E a distance of 120.84 feet;

THENCE S 36°00'00" E a distance of 220.00 feet;

THENCE S 09°00'00" E a distance of 100.00 feet to a point on the arc of a non-tangent curve concave to the Southeast, a radial line of said curve through said point having a bearing of N 11°30'00" W;

THENCE Southwesterly along the arc of said curve, to the left, having a radius of 50.00 feet and a central angle of 87°30'00" for an arc distance of 76.36 feet to a non-tangent line;

THENCE S 58°03'42" W a distance of 222.87 feet;

THENCE S 51°32'47" E a distance of 290.00 feet;

THENCE S 16°15'00" W a distance of 316.57 feet;

THENCE S 54°45'20" W a distance of 211.67 feet;

THENCE N 36°14'40" W a distance of 60.00 feet;

THENCE S 54°45'20" W a distance of 109.59 feet;

THENCE S 02°14'51" W a distance of 391.59 feet;

THENCE S 32°22'25" W a distance of 322.44 feet to intersect the North line of the Puchi Properties parcel;

THENCE N 77°32'21" W a distance of 524.85 feet to intersect the West line of said Section 6;

THENCE N 00°36'20" W a distance of 1,349.93 feet to intersect the South line of the Elementary School parcel;

THENCE N 89°33'13" E a distance of 400.00 feet;

THENCE N 00°35'43" W a distance of 408.80 feet to the TRUE POINT OF BEGINNING.

August 29, 1989

PARCEL A

PART 2

DOCK 657 PAGE 252

Beginning at the Southwest corner of said Section 6;

THENCE N 00°37'38" W a distance of 1,994.51 feet to intersect the Southwesterly line of the Puchi Properties parcel;

THENCE S 39°03'22" E a distance of 1,662.03 feet;

THENCE S 77°27'47" E a distance of 543.32 feet to the Northwest corner of the United Churches Fellowship parcel;

THENCE S 00°29'08" E a distance of 440.00 feet;

THENCE N 38°30'52" E a distance of 396.00 feet to intersect the West line of the Boobe parcel;

THENCE S 00°29'08" E a distance of 33.71 feet;

THENCE N 68°24'38" E a distance of 336.15 feet to the Northwest corner of the Nogales Lodge parcel;

THENCE S 21°32'33" E a distance of 171.72 feet to a point on the arc of a non-tangent curve concave to the South, a radial line of said curve through said point having a bearing of S 12°15'08" W which point is on the North right-of-way line of State Route 189;

THENCE Westerly along the arc of said curve, to the left, having a radius of 1,532.39 feet and a central angle of 08°39'20" for an arc distance of 231.49 feet to a non-tangent line which is the South line of said Section 6;

THENCE S 89°38'04" W a distance of 2,109.75 feet to the POINT OF BEGINNING.

August 29, 1989

PARCEL B

DOCK 657 PAGE 253

A portion of Section 1, Township 24 South, Range 13 East, G11a and Salt River Meridian, Santa Cruz County, Arizona, described as follows:

Beginning at the Northeast corner of said Section 1;

THENCE S 89°09'45" W a distance of 2,638.89 feet;

THENCE N 88°53'35" .. a distance of 2,433.12 feet to the Northeast corner of the RMH&S Land Co. parcel;

THENCE S 00°29'47" E a distance of 208.71 feet;

THENCE N 88°53'35" W a distance of 208.71 feet to intersect the West line of said Section 1;

THENCE S 00°29'47" E a distance of 2,475.67 feet;

THENCE S 00°29'47" E a distance of 2,684.38 feet to the Southwest corner of said Section 1;

THENCE N 89°14'06" E a distance of 2,635.54 feet;

THENCE N 89°15'54" E a distance of 2,654.75 feet to the Southeast corner of said Section 1;

THENCE N 00°37'38" W a distance of 1,994.51 feet to intersect the Southwesterly line of the Puchi Properties parcel;

THENCE N 39°03'22" W a distance of 325.02 feet;

THENCE S 77°32'21" E a distance of 207.40 feet to intersect the East line of said Section 1;

THENCE N 00°37'38" W a distance of 432.46 feet;

THENCE N 00°35'43" W a distance of 717.46 feet to the Southeast corner of Elementary School parcel;

THENCE S 89°24'17" W a distance of 600.00 feet;

THENCE N 00°35'43" W a distance of 335.33 feet;

THENCE N 45°35'43" W a distance of 176.78 feet;

THENCE N 00°35'43" W a distance of 450.00 feet;

THENCE N 44°24'17" E a distance of 176.78 feet;

THENCE N 00°35'43" W a distance of 150.00 feet;

THENCE N 89°24'17" E a distance of 600.00 feet to intersect the East line of said Section 1;

THENCE N 00°35'43" W a distance of 749.74 feet to the POINT OF BEGINNING.

August 29, 1989

PARCEL C

DOCK 657, PAGE 254

A portion of Section 12, Township 24 South, Range 13 East, Gila and Salt River Meridian, Santa Cruz County, Arizona, described as follows:

Beginning at the Northeast corner of said Section 12;

THENCE S 89°15'54" W a distance of 2,654.75 feet to the Northwest corner of the Northeast One-Quarter (NE 1/4) of said Section 12;

THENCE S 00°34'56" E a distance of 2,642.00 feet to the Southwest corner of the Northeast One-Quarter (NE 1/4) of said Section 12;

THENCE N 89°10'53" E a distance of 1,326.09 feet to intersect the West line of the Krupp parcel;

THENCE N 00°33'15" W a distance of 290.00 feet;

THENCE N 89°34'59" E a distance of 530.31 feet;

THENCE N 36°30'44" W a distance of 296.23 feet to a point of curvature of a tangent curve concave to the Northeast;

THENCE Northwesterly along the arc of said curve, to the right, having a radius of 541.00 feet and a central angle of 03°10'59" for an arc distance of 30.00 feet to a non-tangent line which is the North line of the Spanish Congregation Church parcel;

THENCE N 60°57'13" E a distance of 171.92 feet to intersect the West line of Bowerman parcel;

THENCE N 00°31'34" W a distance of 200.00 feet;

THENCE N 52°36'14" E a distance of 500.00 feet;

THENCE S 87°28'53" E a distance of 436.48 feet to intersect the East line of said Section 12;

THENCE N 00°31'34" W a distance of 1,532.57 feet to the POINT OF BEGINNING.

August 29, 1989

PARCEL D

DOCK 657 PAGE 255

A portion of Section 7, Township 24 South, Range 14 East, Gila and Salt River Meridian, Santa Cruz County, Arizona, described, as follows:

Beginning at the Northwest corner of said Section 7;

THENCE N 89°38'04" E a distance of 2,109.75 feet to a point on the arc of a non-tangent curve concave to the Southeast, a radial line of said curve through said point having a bearing of N 20°54'28" W which point is on the Northwest right-of-way line of State Highway 189;

THENCE Southwesterly along the arc of said curve, to the left, having a radius of 1,532.39 feet and a central angle of 29°51'27" for an arc distance of 798.55 feet to a non-tangent line;

THENCE S 33°39'29" W a distance of 1,490.63 feet to intersect the North line of the Pfister parcel;

THENCE N 42°50'10" W a distance of 183.90 feet;

THENCE N 87°28'53" W a distance of 504.85 feet to intersect the West line of said Section 7;

THENCE N 00°31'34" W a distance of 1,532.57 feet to the POINT OF BEGINNING.

August 29, 1989

EXCEPT

DOCK 657 PAGE 256

That portion of said Section 1 described as follows:

Beginning at the Southeast corner of said Section 1;

THENCE N $02^{\circ}46'42''$ W a distance of 1,799.99 feet to the TRUE POINT OF BEGINNING;

THENCE West a distance of 200.00 feet;

THENCE North a distance of 200.00 feet;

THENCE East a distance of 200.00 feet;

THENCE South a distance of 200.00 feet to the TRUE POINT OF BEGINNING.

August 29, 1989

PARCEL E

DOCK 657, PAGE 257

Portions of Section 13, Township 24 South, Range 13 East, Gila and Salt River Meridian, Santa Cruz County, Arizona, described as follows:

PART 1

Beginning at the West 1/4 corner of said Section 13;

THENCE S 00°43'30" E a distance of 431.55 feet to the North line of the Stubbs parcel;

THENCE N 89°02'37" E a distance of 2,829.53 feet to the West right-of-way line of State Route 189;

THENCE N 06°57'10" E a distance of 588.60 feet;

THENCE N 54°00'37" W a distance of 164.66 feet;

THENCE S 36°01'56" W a distance of 216.66 feet;

THENCE S 00°06'51" W a distance of 93.77 feet;

THENCE S 89°23'55" W a distance of 1,322.56 feet;

THENCE W 00°44'27" W a distance of 500.00 feet;

THENCE S 89°15'33" W a distance of 418.00 feet;

THENCE N 00°44'27" W a distance of 418.00 feet;

THENCE N 89°15'33" E a distance of 418.00 feet;

THENCE N 00°44'27" W a distance of 621.56 feet to intersect the South boundary of Mariposa Ranch parcel;

THENCE S 59°44'53" W a distance of 495.47 feet;

THENCE S 35°55'23" W a distance of 307.20 feet;

THENCE S 55°15'53" W a distance of 590.00 feet;

THENCE S 58°23'53" W a distance of 237.55 feet to intersect the West line of said Section 13;

THENCE S 00°40'23" W a distance of 602.31 feet to the POINT OF BEGINNING.

August 29, 1989

PARCEL E

DOCK 657 PAGE 258

PART 2

Beginning at the North 1/4 corner of said Section 13;

THENCE S 40°14'51" W a distance of 638.18 feet;

THENCE S 47°24'53" W a distance of 263.15 feet to intersect the North line of the Cleveland parcel;

THENCE N 89°17'33" E a distance of 613.93 feet;

THENCE S 00°45'33" E a distance of 1,363.46 feet to intersect the North line of the Latimer parcel;

THENCE S 89°54'56" E a distance of 78.08 feet;

THENCE S 54°49'30" E a distance of 244.65 feet;

THENCE S 51°52'26" E a distance of 85.49 feet to intersect the West right-of-way line of State Route 189;

THENCE N 29°37'48" E a distance of 890.91 feet;

THENCE N 10°09'32" E a distance of 216.20 feet;

THENCE N 42°34'05" E a distance of 129.28 feet;

THENCE N 17°27'06" E a distance of 196.50 feet;

THENCE N 16°43'27" E a distance of 813.75 feet;

THENCE N 03°11'25" E a distance of 42.73 feet;

THENCE N 19°12'49" E a distance of 148.79 feet to intersect the North line of said Section 13;

THENCE S 89°12'44" W a distance of 1,281.80 feet to the POINT OF BEGINNING.

EXCEPT

Any portion thereof contained in the Arbo parcel as described in Docket 120, Page 152, and the following 13 acre parcel:

DOCK 657 PAGE 259

LEGAL DESCRIPTION
13 AC. PARCEL

A portion of the South Half of the Southwest Quarter of Section 6 and the North Half of the Northwest Quarter of Section 7, T24S., R14E., G&SRM., Santa Cruz County, Arizona, and described as follows:

Beginning at the Northeast Corner of the Northwest quarter of Section 7, T24S., R14E., G&SRM., Santa Cruz County, Arizona;

THENCE S 89 degrees 38 minutes 04 seconds W a distance 376.15 feet to a point on the North boundary line of said Section 7;

THENCE N 00 degrees 21 minutes 56 seconds W a distance of 64.58 feet to a point on the Northwesterly Right-of-Way of S.R. 189 (Mariposa Hwy.) and on the arc of a non-tangent curve concave to the Southeast, said point being the TRUE POINT OF BEGINNING;

THENCE Southwesterly along said Right-of-Way of S.R. 189 and along the arc of said curve, to the left, having a radius of 1,532.39 feet and a central angle of 38 degrees 30 minutes 47 seconds for an arc distance of 1,030.04 feet to a non-tangent line;

THENCE S 35 degrees 15 minutes 59 seconds W along said Right-of-Way of S.R. 189 a distance of 15.00 feet;

THENCE N 54 degrees 18 minutes 00 seconds W along the Northeasterly Right-of-Way of Mariposa Lake Dr. a distance of 378.96 feet to a point of curvature of a tangent curve concave to the Northeast;

THENCE Northwesterly along said Right-of-Way of Mariposa Lake Dr. and along the arc of said curve, to the right, having a radius of 550.00 feet and a central angle of 29 degrees 20 minutes 31 seconds for an arc distance of 281.66 feet to a point of tangency;

THENCE N 24 degrees 57 minutes 29 seconds W along said Right-of-Way of Mariposa Lake Dr. a distance of 122.58 feet to a point of curvature of a tangent curve concave to the East;

THENCE Northerly along the arc of said curve, to the right, having a radius of 25.00 feet and a central angle of 90 degrees 00 minutes 00 seconds for an arc distance of 39.27 feet to a non-tangent line;

THENCE N 24 degrees 57 minutes (31) seconds W a distance of 10.00 feet to a point on the Southeasterly Right-of-Way of Mariposa Ranch Rd. and on the arc of a non-tangent curve concave to the Northwest;

THENCE Northeasterly along said Right-of-Way of Mariposa Ranch Rd. and along the arc of said curve, to the left, having a radius of 230.00 feet and a central angle of 13 degrees 58 minutes 22 seconds for an arc distance of 299.96 feet to a point of tangency;

THENCE N 51 degrees 04 minutes 08 seconds E along said Right-of-Way of Mariposa Ranch Rd. a distance of 114.20 feet to a point on the arc of a tangent curve concave to the Northwest;

THENCE Northeasterly along said Right-of-Way of Mariposa Ranch Rd. and along the arc of said curve, to the left, having a radius of 330.00 feet and a central angle of 24 degrees 10 minutes 57 seconds for an arc distance of 139.28 feet to a point of tangency;

THENCE N 26 degrees 53 minutes 12 seconds E along said Right-of-Way of Mariposa Ranch Rd. a distance of 195.09 feet;

THENCE S 63 degrees 06 minutes 48 seconds E a distance of 118.97 feet;

THENCE S 00 degrees 29 minutes 08 seconds E a distance of 440.00 feet;

THENCE N 89 degrees 30 minutes 52 seconds E a distance of 396.00 feet;

THENCE S 00 degrees 29 minutes 08 seconds E a distance of 33.71 feet;

THENCE N 68 degrees 24 minutes 38 seconds E a distance of 336.15 feet;

THENCE S 21 degrees 32 minutes 33 seconds E a distance of 171.72 feet to a point on the Northwesterly Right-of-Way of S.R. 189 (Mariposa Hwy.) and being the TRUE POINT OF BEGINNING.

The above described parcel containing an area 13.61 Acres or 592,712 square feet more or less.

Santa Cruz County
Allwyn Environmental Job No. 010-018
Phase I Environmental Site Assessment – Hazardous Substances
Trust 7659 Property LLC Property (Parcel No. 113-49-027 - North)
May 8, 2009

APPENDIX E

SITE RECONNAISSANCE DOCUMENTATION FORM

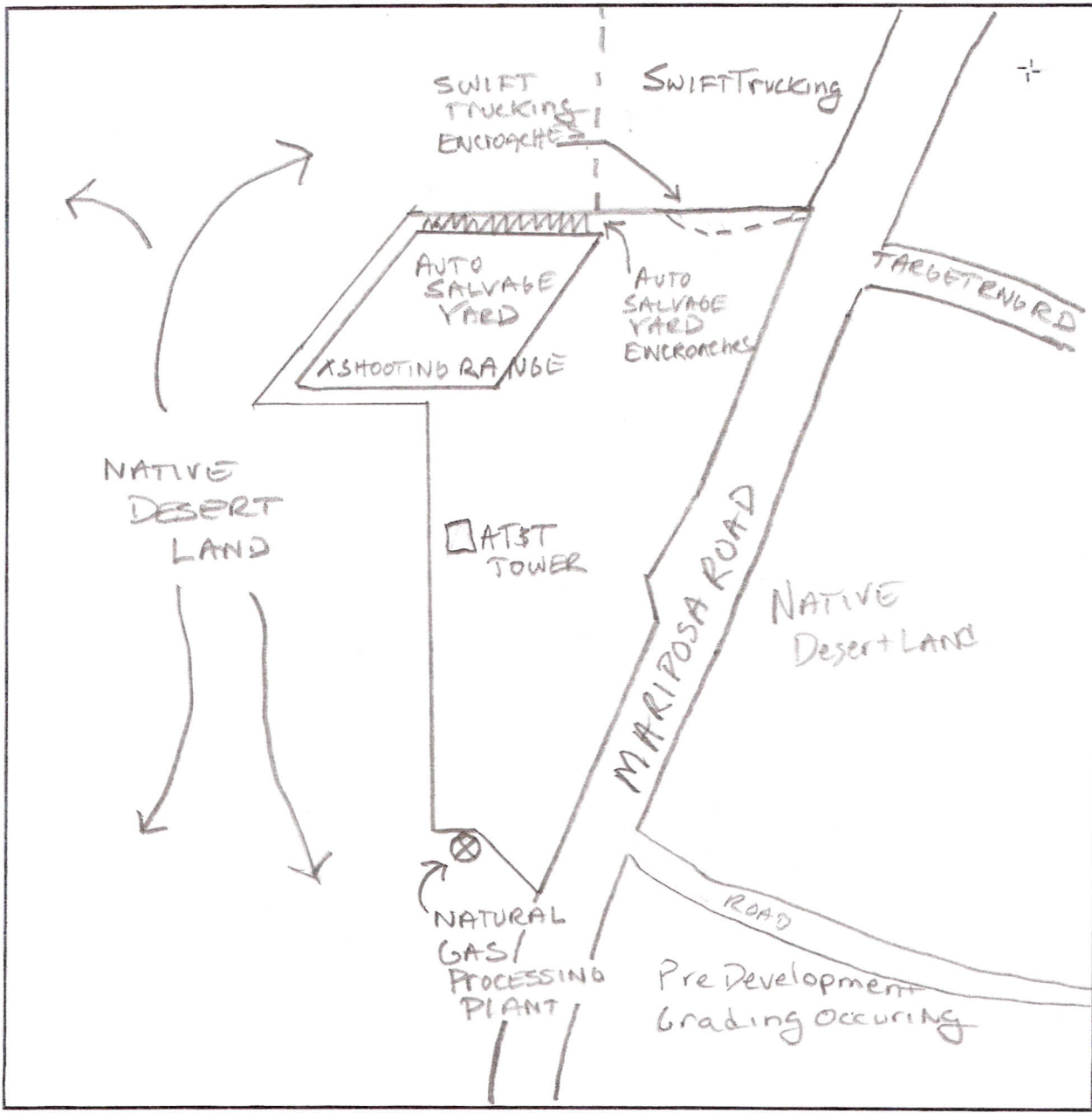
SITE RECONNAISSANCE
DOCUMENTATION FORM

Project Name: 010-018 TRUST 7659 PROPERTY

Project Location PARCEL 113-49-027 NORTHERN HALF

Date Visited: 5/6/2009 Performed By: DEREK KOLLER AND
TOD WHITNER

SITE DIAGRAM



SITE RECONNAISSANCE
DOCUMENTATION FORM

Current Use(s) of Property:

NATIVE DESERT LAND: TWO ENCLOSED PARCELS WITHIN
SUBJECT PROPERTY - 1: AT&T TOWER 2: SHOOTING RANGE & AUTO
SAVAGEYARD

Storage Tanks: N/A

Odors: N/A

Pools of Liquid: N/A

Drums: N/A

Hazardous Substances and Petroleum Product Containers (Identify Use): N/A

Unidentified Substance Containers: N/A

SITE RECONNAISSANCE
DOCUMENTATION FORM

PCB-Containing Equipment: N/A

Other Comments or Observations: _____

TO THE NORTH OF SUBJECT PROPERTY SWIFT
TRUCKING CO. FENCE ENCROACHES ONTO SUBJECT
PROPERTY - AUTO SALVAGE YARD ALSO ENCROACHES
ONTO SUBJECT PROPERTY ON NORTHERN
STRIP

SITE RECONNAISSANCE
DOCUMENTATION FORM

INTERIOR OBSERVATIONS

Heating/Cooling: _____

N/A

Stains or Corrosion: _____

N/A

Drains and Sumps: _____

N/A

Other Comments or Observations: _____

NO STRUCTURES

EXTERIOR OBSERVATIONS

Pits, Ponds, or Lagoons: _____

N/A

Stained Soil or Pavement: _____

N/A

Stressed Vegetation: _____

N/A

Solid Waste: AUTO SALVAGE YARD ENCRONES ONTO

THIN NARROW STRIP OF SUBJECT PROPERTY

LEAD FROM SHOOTING RANGE FOUND ON SUBJECT PROPERTY

Wastewater: CULVERT RUNS ONTO PROPERTY FROM MARIPOSA

ROAD AND THEN UNDER MARIPOSA ROAD OFF PROPERTY

WATER RUNS FROM AUTO SALVAGE YARD ON AND THROUGH
SUBJECT PROPERTY

Wells: _____

N/A

SITE RECONNAISSANCE
DOCUMENTATION FORM

Septic Systems: _____ N/A _____

Other Comments or Observations: _____ N/A _____

Santa Cruz County
Allwyn Environmental Job No. 010-018
Phase I Environmental Site Assessment – Hazardous Substances
Trust 7659 Property LLC Property (Parcel No. 113-49-027 - North)
May 8, 2009

APPENDIX F

PHOTOGRAPHIC LOG

PHOTOGRAPHIC LOG



Photograph No. 1

Subject property (Looking East at wash behind Border Patrol Shooting Range)



Photograph No. 2

Bullet fragments found on Subject Property in 6 inch square behind Shooting Range)



Photograph No. 3

Shotgun wadding, bullet fragments, and casings found behind Shooting Range



Photograph No. 4

Subject property (Looking East down Northern Strip from Western Boundary)

PHOTOGRAPHIC LOG



Photograph No. 5

Subject property (Looking West where Auto Salvage Yard encroaches onto Northern Strip)



Photograph No. 6

Subject property (Looking South from Northeast corner)



Photograph No. 7

Subject property (Looking West from Northeast corner where fence encroaches onto property)



Photograph No. 8

Subject property (Looking Northwest from Eastern Boundary)

PHOTOGRAPHIC LOG



Photograph No. 9
Subject property (Looking Northeast at
Mariposa Rd & Target Range Rd Intersection)



Photograph No. 10
AT&T Tower located on adjoining parcel
enclosed by Subject Property



Photograph No. 11
AT&T Tower located on adjoining parcel
enclosed by Subject Property



Photograph No. 12
Natural Gas Processing Plant located on
Southern boundary of Subject Property

Santa Cruz County
Allwyn Environmental Job No. 010-018
Phase I Environmental Site Assessment – Hazardous Substances
Trust 7659 Property LLC Property (Parcel No. 113-49-027 - North)
May 8, 2009

APPENDIX G

INTERVIEW DOCUMENTATION FORM

**INTERVIEW
DOCUMENTATION FORM**

Project Name: 010-018/010-019

Project Location: NOGALES, ARIZONA 113-49-027 NORTHERN AND SOUTHERN PORTION

Person Interviewed: JIM & JOE BARR

Title: OWNERS MARIPOSA PROPERTIES

Date Interviewed: 5/5/09 Performed By: DEBRA KOLLER

Question No.	Topic	Yes	No	Unknown or Uncertain	Comment No.
1	What is the current use of the property?	X			1
2	Do you have any knowledge of former uses of the property?	X			2
3	Are you aware of any past manufacturing, industrial, or commercial uses of the property?		X		
4	Are you aware of any past manufacturing, industrial, or commercial uses on adjoining properties? If yes, where were the facilities located in relationship to this property and what were the uses?	X			3
5	Does the facility maintain any environmental permits or is it required to file any environmental-related reports to governmental agencies?		X		
6	Are you aware of any environmental actions that have been taken against the property? If yes, provide the regulatory agency, action(s), date, regulatory agency, and outcome. Also, provide any available documentation related to the documentation.		X		
7	Are you aware of any environmental audits that have been performed for the Property? If yes, provide the company performing audit, date, summary of findings, and recommendations. Provide any available documentation related to the documentation.		X		

**INTERVIEW
DOCUMENTATION FORM**

Question No.	Topic	Yes	No	Unknown or Uncertain	Comment No.
8	Are there are institutional or engineering controls required of the site?		X		
9	Are you aware of any hazardous substances or petroleum products used on the property?		X		
10	Are you aware of any storage tanks (underground or aboveground) on the property?	X			4
11	Are you aware of the presence of any strong, noxious, or pungent odors on the property?	X			5
12	Are you aware of any pools of liquids on the property?		X		
13	Are you aware of any drums located on the property?		X		
14	Are you aware of any unidentified substance containers on the property?		X		
15	Are you aware of PCB-containing equipment (e.g., electrical transformer or hydraulic equipment) any on the property?		X		
16	Are you aware of any pits, ponds, or lagoons on the property?		X		
17	Are you aware of any stained soil or pavement on the property?		X		
18	Are you aware of any stressed vegetation on the property?		X		
19	Are you aware of any solid waste on the property?		X		
20	Are you aware of any wastewater or stormwater discharge on, onto, or from the property?	X			6
21	Are you aware of any wells (drywells, disposal wells, water wells) on the property?		X		
22	Are you aware of the presence of a septic system on the property?		X		
23	Are you aware of any testing for asbestos or lead-based paint for buildings on the property?		X		

INTERVIEW DOCUMENTATION FORM

Question No.	Topic	Yes	No	Unknown or Uncertain	Comment No.
24	Are you aware of any past chemical, wastewater, hazardous material, or other material surface or impoundment disposal on the property?		X		
25	Are you aware of any buried or otherwise disposed materials on the property?		X		
26	Are you aware of any other individuals who should be contacted with relevant knowledge of past or present uses or practices of the property or adjoining properties?		X		

Additional Information: _____

Comment No. 1: VACANT - GRAZING

Comment No. 2: RANCHING - GRAZING

Comment No. 3: ENCLOSED IN NORTHERN PORTION THERE IS AN AUTO SALVAGE YARD, FIRING RANGE USED BY BORDER PATROL - AND A TRUCKING COMPANY ON NORTHERN BOUNDARY. THERE IS A GAS STATION SOUTH OF SOUTHERN PORTION AS WELL AS A TRUCK MAINTENANCE YARD.

INTERVIEW
DOCUMENTATION FORM

Comment No. 4: AST ON SOUTHERN PORTION - USED TO BE WATER TANK

Comment No. 5: NATURAL GAS ODOE FROM REGULATING STATION ON SOUTHERN BORDER OF NORTHERN PORTION

Comment No. 6: STORM WATER COMES FROM NATIONAL FOREST TO THE WEST - STORM WATER FROM SHOOTING RANGE AND AUTO SALVAGE YARD RUNS THROUGH PROPERTY - ALSO FROM MAEIPISA ROAD

Comment No. 7: _____

Comment No. 8: _____

Comment No. 9: _____

APPENDIX H

ENVIRONMENTAL

PROFESSIONAL RESUME

Mr. Whitwer has 20 years of environmental and project management experience providing site assessment, site remediation, process engineering, and design expertise Brownfields guidance and support including soil, groundwater, and industrial water and wastewater treatment systems, air quality control systems, and pollution prevention. He is responsible for regulatory support services including CERCLA, WQARF, NPDES, RCRA, and state permitting programs.

EDUCATION

BS, Chemical Engineering, Arizona State University, Arizona, 1986
MBA, University of Phoenix, 2002

REGISTRATIONS

Professional Engineer (P.E.) - Chemical, No.29998, State of Arizona, 1996

SELECT PROJECT EXPERIENCE

Project Management

Luke Air Force Base, Arizona. Program Manager for an indefinite quantity contract for Luke Air Force Base (AFB), Arizona. The contract was a 5-year contract with a contracted value of \$5 million. Program Management responsibilities included Delivery Order management, Environmental Programs and Contracting interface, and proposal preparation. Delivery Orders included site remediation, air quality permitting, environmental assessments, biological and cultural resource studies, training, and pollution prevention.

US Army Corps of Engineers - Wilmington District, North Carolina. Program Manager for indefinite quantity contract, with over \$4.2 million encompassing 25 Task Orders. Project responsibilities include Task Order management, interaction with client, proposal preparation, and technical oversight. Task Orders include coastal engineering, environmental assessments, construction management, and dredge material management plans.

Site Assessment and Remediation

Confidential Client. Project Manager for completion of Phase I ESA and further assessment of an operating automotive testing facility for environmental due diligence for potential acquisition. Evaluated several landfills, UST and AST systems, septic system, chemical storage area, stormwater retention areas, and other areas of potential concern. Completed due diligence activities within 60 days, including drilling, geophysical survey of two landfills, and excavation of approximately 10 acres of landfill. Developed cost projections for site remediation and currently remediating landfills through State of Arizona Voluntary Remediation Program (VRP).

Bob Bondurant School of High Performance Driving, Phoenix, Arizona. Principal and lead engineer for site investigation and closure of a Class V underground injection control (UIC) system. Developed Work Plan, Quality Assurance Project Plan (QAPP), and Closure Plan for the system for submittal to the Environmental Protection Agency (EPA), Region 9.

Meridian Companies, Mesa, Arizona. Completed assessment of approximately 5 acre parcel suspected of being impacted by toxaphene within 2 week due diligence period. Developed work plan, collected samples, and prepared report that contributed to sale of property.

Arizona Department of Environmental Quality, Phoenix, Arizona. Project Manager for the design and installation of a groundwater treatment system at the Payson WQARF site. Contracted to perform this work as ADEQ's contractor. Groundwater at the site was impacted by VOCs from historical dry cleaning operation. Treatment system was designed to allow treated water to be used in City of Payson's potable water supply.

Salt River Project, Mesa, Arizona. Project Manager for the design and construction management of a groundwater treatment system. The site is located in a WQARF site and involves the treatment of groundwater impacted by VOCs from historical dry cleaning operations. Responsibilities included lead process design of remediation system, client interface, coordination of engineering and regulatory disciplines, and budget and schedule control. Project received Technical Excellence Award from Arizona Consulting Engineers Association.

Phase I Environmental Site Assessments (ESAs), Miscellaneous Clients. Served as Principal or staff environmental professional for the completion of over 500 Phase I ESAs, including 50 that were completed following All Appropriate Inquiry (AAI) using ASTM E1527-05 Standard. Projects were completed at industrial, manufacturing, commercial, and undeveloped properties.

Brookhill Corporation, Chocowinity, North Carolina. Principal for the emergency response and remediation of a 15,000-gallon oil spill at a glass manufacturing facility. Oil spill impacted creek beds and marshland, and threatened sensitive coastal areas. Developed and implemented emergency response plan, cleanup strategies, and monitoring plans. Coordinated subcontractors and worked closely with local, state, and federal agencies to avoid agency fines and sanctions.

AutoNation, USA, Tempe, Arizona. Project Manager for the remediation of soil impacted by auto shredder fluff at a former automobile sales facility. Provided Owner representation during characterization phase, and recommended remediation approach based on applicable Soil Remediation Levels (SRLs) utilizing the ADEQ's Voluntary Remediation Program (VRP). Developed bid packages for chosen remediation approach.

Luke Air Force Base, Arizona. Principal for the development of a RCRA Closure Plan, remediation, and clean closure of a munitions treatment facility. The site was a former open burning/open detonation (OB/OD) facility that resulted in metals and petroleum hydrocarbon impact and buried live munitions. Implemented closure plan for soil excavation and soil removal to obtain clean closure.

Motorola, Inc., Phoenix, Arizona. Project Manager for an air sparging/SVE system to remediate soil and groundwater at a Superfund site in Arizona. Prepared engineering drawings, specifications, design report, cost estimate, and schedule. Design was developed using results of pilot programs performed at the site.

Springs Industries, Rock Hill, South Carolina. Project Director for soil and groundwater assessment and remediation at a former textile manufacturing facility. The 30-acre site was impacted by chlorinated VOCs, metals, and petroleum products. Provided technical direction for assessment and remediation activities, review of technical reports, and interaction with client.

Confidential Client, Charlotte, North Carolina. Project Director for site assessment performed at an upscale mall to support redevelopment efforts. Soil and groundwater at the site had been impacted by historical dry cleaning and automobile repair operations. Contaminants of concern included VOCs, metals, and petroleum hydrocarbons. Identified source of contaminants and developed remediation options.

Beazer Industries, Oroville, California. Developed a preliminary design for a contaminated groundwater treatment system at a woodtreating facility. The primary contaminants of concern at this Superfund site included pentachlorophenol, PAHs, chromium, arsenic, and dioxins. Air and groundwater technologies evaluated included air stripping, carbon adsorption, bioreactors, ion exchange, chemical precipitation, and advanced oxidation.

Tesoro Alaska Petroleum Company, Kenai, Alaska. Evaluated treatment options for remediation of BTEX-impacted groundwater at a petroleum refinery. The treatment options that were evaluated addressed groundwater and air media and included expansion of existing treatment system and development of alternative treatment systems. Performed bench-scale studies to evaluate potential iron-removal treatment methods, including flocculent aids, dispersants, and sequestering agents.

ADEQ, Glendale, Arizona. Principal for a remediation project associated with closure activities of a auto shredder fluff dump site located in Glendale, Arizona. The project scope included re-contouring the site remediated by others, river bank restoration, and re-vegetation of the approximately 2-acre site.

Honeywell, Inc., Durham, North Carolina. Project Director for assessment of VOC and petroleum hydrocarbon impacts at an electronic component manufacturing facility. Performed site assessment and implemented remediation methods including cut-off wall, excavation, and vapor extraction.

World Resources Corporation, Tolleson, Arizona. Project Director for the preparation of a RCRA Part B permit application for a metals recycling facility. Responsibilities included waste characterization, air quality and industrial wastewater permitting, health and safety, construction of facility upgrades, and design of a wastewater treatment system.

Springs Industries, Lyman, South Carolina. Project Director for site characterization of a closed landfill and wastewater spray field site. Provided technical direction for development of streamlined Remedial Investigation/Focused Feasibility Study.

Brownfields

Community-Wide Assessment Grant Implementation, City of Tucson, Arizona. Implementing the initial phases of the FY 2005 Brownfields Community-Wide Assessment for hazardous substances and petroleum products for sites along the Stone Avenue corridor, an important entry point to

downtown Tucson. Developing a Geographic Information System (GIS) to manage Brownfields database. Completed a City-wide environmental database search to identify sites that are listed in regulatory agency databases and toured the city to identify sites that appeared to be contaminated or underutilized. Compiled list of potential Brownfields sites, including parcel number, ownership, and current uses. Evaluated data and developed a tactical plan for completing additional assessment, evaluation, marketing, and redevelopment activities. Converting database into a GIS-based property management system to allow for Brownfield property searches and assist in redevelopment.

Community-Wide Assessment Grant Implementation, City of South Tucson, Arizona. Implemented the initial phases of the FY 2005 Brownfields Community-Wide Assessment for petroleum products for sites within South Tucson. Completed a City-wide environmental database search to identify sites that are listed in regulatory agency databases and toured the city to identify sites that appeared to be contaminated or underutilized. Compiled list of potential Brownfields sites, including parcel number, ownership, and current uses. Evaluated data and developed a tactical plan for completing additional assessment, evaluation, marketing, and redevelopment activities. Completed 15 Phase I ESAs compliant with AAI standard using ASTM E1527-05 and six Phase II ESAs. The outcomes of this initial Community-Wide Assessment grant were the creation of 43 new jobs, redevelopment of 4 acres, and leveraging of about \$1.6 million in new construction (or 700 percent leveraging of grant funds).

Community-Wide Assessment Grant Implementation, Santa Cruz County, Arizona. Implementing the initial phases of the FY 2006 Brownfields Community-Wide Assessment for petroleum products and hazardous substances within Santa Cruz County. Assisted with site identification and prioritization. Completed 10 Phase I ESAs compliant with AAI standard using ASTM E1527-05.

Community-Wide Assessment Grant Implementation, Pima County, Arizona. Implementing the initial phases of the FY 2007 Brownfields Community-Wide Assessment for hazardous substances within the Flowing Wells area of Pima County. Completed an area-wide environmental database search to identify sites that are listed in regulatory agency databases and toured the area to identify sites that appeared to be contaminated or underutilized. Compiled list of potential Brownfields sites, including parcel number, ownership, and current uses. Evaluated data and developed a tactical plan for completing additional assessment, evaluation, marketing, and redevelopment activities.

Community-Wide Assessment Grant Implementation, City of Flagstaff, Arizona. Developing an environmental database within the Route 66 Corridor to identify sites that are listed in regulatory agency databases and toured the city to identify sites that appeared to be contaminated or underutilized. Compiling list of potential Brownfields sites, including parcel number, ownership, and current uses.

Job Training Grant Implementation, City of Tucson, Arizona. Assisted the city in implementing the Job Training Grant by providing the following services:

- Served on Advisory Council that directed program implementation

- Prepared Job Training information and application package (Program Overview, Schedule, and Application)
- Prepared mentoring responsibilities and commitment list
- Developed candidate interview questions and evaluation criteria
- Developed curriculum module objectives
- Developed instructor orientation materials
- Prepared Case Studies and served as instructor for report development and presentations

Fiscal Year 2009 Brownfields Cleanup Grant Application, City of Tucson, Arizona. Prepared the Brownfields grant application for cleanup of a 5.5-acre historical impacted by PAHs and metals above Arizona RSRLs. Elevated soil concentrations are limited mainly to surface and near surface (less than 1 foot below ground surface) and are generally confined to the area surrounding the former fabrication shop and other manufacturing areas.

Fiscal Year 2009 Brownfields Cleanup Grant Application, City of Flagstaff, Arizona. Prepared Brownfields grant application for the Route 66 Creosote Pit Cleanup and Redevelopment Project. A wood preservation vat was presumably operated by a steam and electric generating facility at the site beginning in at least 1916 and was discontinued in the 1950s. Creosote, the likely wood preservative used, contains PAHs and metals. The expected output from this grant is to eliminate health impacts from PAHs present above residential SRLs. The expected outcome is to redevelop 3.5 acres for alternative transportation use, greenspace creation, and recreational uses.

Fiscal Year 2008 and Fiscal Year 2009 Brownfields Assessment Grant Application (Community Wide – Hazardous Substances and Site Specific – Petroleum Products), City of South Tucson, Arizona. Prepared two Brownfields grant applications as a continuation of successful work completed under the Fiscal Year 2005 Community-Wide Assessment grant to conduct assessments of potential petroleum sites within the entire city boundary. The assessments will focus particular attention on five commercial corridors that provide the most opportunities for economic redevelopment and where infrastructure improvements have been made. In addition, developed a Site Specific grant application to assess a former railway easement that contains three active/inactive petroleum pipelines. South Tucson, in cooperation with Pima County and the City of Tucson, plans to develop the railway easement into a linear park for walking, bicycling, and other recreational amenities.

Fiscal Year 2008 Brownfield Community-Wide Assessment Grant Applications (Petroleum and Hazardous Substances), Pima County, Arizona. Assisted the county in preparing two Brownfield grant applications – one for assessment of sites impacted by petroleum substances and one for assessment of sites impacted by hazardous substances within the Flowing Wells community. The goals of the grant funds are to conduct 25 Phase I Environmental Site Assessments (ESAs) that comply with All Appropriate Inquiry (AAI) standards and 5 Phase II ESAs. **Pima County was awarded a grant for \$200,000 as a result of this grant application.**

Fiscal Year 2007 Brownfields Assessment and Cleanup Grant Application (Mine-Scarred Land), City of Tucson, Arizona. Prepared two Brownfields grant applications for a proposed City park that was impacted by lead, arsenic, and cadmium from historical tungsten milling operations. Prepared

Phase I ESA compliant with AAI standard using ASTM E1527-05 to support grant application. **The City of Tucson was awarded a grant for \$200,000 as a result of this grant application.**

Fiscal Year 2006 Brownfield Community-Wide Assessment Grant Applications (Petroleum and Hazardous Substances), City of Flagstaff, Arizona. Assisted the city in preparing two Community-Wide Assessment grant applications to address petroleum and hazardous substance contamination within the Route 66 Central Corridor in the downtown area. The environmental impairment resulted from the timber, railroad, and tourist industries, resulting in underdeveloped sites in the downtown area. This area has great potential for economic and cultural revival once these sites are returned to meaningful uses which will be performed using funding from these two grants. **The City of Flagstaff was awarded a grant for \$200,000 as a result of this grant application.**

Fiscal Year 2006 Brownfield Cleanup Grant Application, Town of Youngtown, Arizona. Prepared a Brownfield cleanup grant application for the El Sol property, a 25-acre site of a closed municipal solid waste landfill and former electric substation. The grant funding will be used to assess the former electric substation and to estimate the extent of the landfill and its contents. Potential contaminants include volatile organic compounds (VOCs), asbestos, semivolatile organic compounds (SVOCs), metals, and non-hazardous waste. Methane gas migration to the surrounding community is also a concern.

Fiscal Year 2005 Brownfield Community-Wide Assessment Grant Applications (Petroleum and Hazardous Substances), City of Tucson, Arizona. Assisted the city in preparing two Brownfield grant applications – one for assessment of sites impacted by petroleum substances and one for assessment of sites impacted by hazardous substances. The grants will be used to address petroleum and hazardous products within its Housing and Urban Development-designated Empowerment Zone and provide a catalyst for further private investment and redevelopment within the Empowerment Zone in areas that have seen significant decline or been underutilized. **The City of Tucson was awarded two grants for \$400,000 as a result of this grant application.**

Fiscal Year 2005 Brownfield Job Training Grant Application, City of Tucson, Arizona. Assisted the City of Tucson in preparing a Fiscal Year 2005 Brownfield Job Training Grant application. The City, Pima County Community College District (PCC), and the Southern Arizona Environmental Management Society (SAEMS) partnered to develop and implement an Environmental Technician training program for eligible applicants who reside within the City's federally-designated Empowerment Zone and Westside Coalition Weed and Seed areas. The program will accept 40 participants over two annual training cycles, with each training cycle consisting of 208 training hours presented over 26 weeks. **The City of Tucson was awarded a grant for \$200,000 as a result of this grant application.**

Fiscal Year 2005 Brownfields Assessment Grant Applications, City of South Tucson, Arizona. Assisted the City of South Tucson in two applications to conduct community-wide assessments of potential petroleum and hazardous product-contaminated sites within the entire city boundary. The assessments will focus particular attention on five commercial corridors that provide the most opportunities for economic redevelopment and where infrastructure improvements have been made. The City's vision includes mixed-use development, additional greenspace and open space,

and affordable housing. The City has an ongoing active partnership with the City of Tucson that complements the Rio Nuevo Project. **The City of South Tucson was awarded a grant for \$200,000 as a result of this grant application.**

Fiscal Year 2004 Phoenix Award Application, City of Tucson, Arizona. Developed a strategic plan and application for a Phoenix Award for the Rio Nuevo North Redevelopment Project. The project was transformed from an abandoned community liability that was perceived to be filled with landfills into a multi-use business park that contributes over \$20 million annual in salaries. The grant application focused on the three primary areas that demonstrated the worthiness of this project for national recognition by the Environmental Protection Agency: Innovative Environmental Assessment and Remediation, Financial Instruments, and Community Involvement. Most importantly, the Rio Nuevo North Redevelopment Project was the true beginning of the City of Tucson's Rio Nuevo Project. **The City of Tucson won the 2004 Phoenix Award for Region 9 at the National Brownfields Conference and received national recognition for its overall Brownfields program.**

Integrated City Brownfields Program Work Plan, City of Tucson, Arizona. Developed a work plan for an Integrated City Brownfields Program. The work plan identified the key components that should be included and fully defined in the Integrated City Brownfields Program and includes the following:

- Funding opportunities
- Tracking of grant leveraging, community involvement, economic impact of Brownfields and redevelopment efforts, historic building preservation, and greenspace creation/open space preservation)
- Stimulation of private investment
- Evaluation of short term and long term direction of Brownfields market
- Development of system of identification and prioritization of potential Brownfields projects
- Use of RLF mechanisms
- Compatibility with Rio Nuevo Master Plan

Fiscal Year 2004 Brownfield Assessment Grant Application, City of Goodyear, Arizona. Prepared a Fiscal Year 2004 Brownfield Assessment Grant application for an operating aluminum dross processing facility located in downtown Goodyear. The city wished to assess the site in order to support redevelopment into light industrial and commercial uses. Reviewed the applicability of site under the 2002 Brownfields Law, identified reuse opportunities, developed the grant application package, and coordinated the community involvement program.

Fiscal Year 2004 Brownfield Cleanup Grant, Yuma County, Arizona. Yuma County manages the Adair Park Archery Range, on land dedicated to the county by the United States Bureau of Reclamation in 1967. Widespread lead contamination was discovered at this site in 2000 from the remnants of a silver ore mill and associated tailings operated in the late 1800s. The site was closed to public use following this discovery. The grant will be used to remediate the site via on-site capping, and excavation and off-site disposal of soil and tailings containing high lead concentrations. Developed the Brownfield Cleanup Grant application, identified applicability of site under 2002

Brownfields Law, developed grant application package, and coordinated community involvement project. **Yuma County was awarded a grant for \$200,000 as a result of this grant application.**

Regulatory Compliance

United Dairymen of Arizona, Tempe, Arizona. Program Director for a number of issues related to UDA's wastewater treatment system and discharges permitted by the City of Tempe's (COT's) Pretreatment Program. Evaluated existing treatment system and developed recommendations for improving system. Represented client at Show Cause hearing with the COT and helped negotiate favorable settlement that reduced UDA's fines by over 80 percent from those initially proposed by the city.

Intel Corporation, Chandler, Arizona and Portland, Oregon. Principal for the investigation of bulk solvent waste streams as EPA "Comparable Fuels". Developed statistical analysis for waste analysis plans.

Luke Air Force Base, Arizona. Project Manager for wastewater sampling and analysis program to identify phenols sources and to support NPDES compliance program. Project involved sample collection from approximately 50 locations and field analysis, with offsite analytical verifications.

Carnation Foods, Phoenix, Arizona. Project Manager for sulfide evaluation at a dairy producer. Performed wastewater sampling and analysis and identified cause of false positive exceedances of wastewater discharge permit conditions. Provided technical support, analytical laboratory interface, and regulatory agency negotiations support.

Luke Air Force Base, Arizona. Principal-in-Charge for internal Environmental Compliance, Assessment, and Management Program (ECAMP). Provided protocol training, technical guidance, and audit support. Program protocol training, technical guidance, and audit support. Program focused on 12 regulatory protocols.

Kirkland Air Force Base, New Mexico. Lead regulatory specialist for ECAMP performed at Phillips Laboratory. Developed compliance checklists, performed site visits, and provided regulatory interpretation. Protocols focused on water/wastewater, hazardous waste, and air quality at over 80 facilities.

El Paso Electric Company, El Paso, Texas. Performed emissions inventories for four power plants. Inventories developed using plant operating data, field data, and AP-42 emission factors.

Arizona Public Service Company, Various Locations. Provided regulatory and engineering expertise to support the water quality programs for APS's Environmental Department. Specific tasks included: developed regulatory compliance documents, based on an analysis of the NPDES and drinking water system regulations as they apply to four plants in New Mexico and Arizona; performed preliminary investigation of vehicle maintenance yard for support of an application for an Aquifer Protection Permit. This task included identification of applicable APP requirements, sampling of discharge and development of scope of work for the application process; calculated and prepared a summary of VOC emissions from a nuclear power plant; and served and project coordinator for an APP submittal for two facilities within a nuclear power plant.

Arizona Public Service Company, Phoenix, Arizona. Coordinated the evaluation of a dewatering project for a 36-mile long pipeline which conveys secondary treated effluent to the Palo Verde

Nuclear Generating Station. The evaluation consisted of development of pipeline dewatering strategies, design of pollution control treatment systems, and evaluation of the costs and requirements of the applicable permits necessary for discharge NPDES and APP.

Marine Corps Air Station, Yuma, Arizona. Project Engineer involved in the preparation of a RCRA Part B permit application for a storage facility at a military installation in Arizona. Responsibilities include preparation of waste analysis plan, chemical and physical analyses, and closure plan section.

Hughes Missile Systems, Tucson, Arizona. Assisted in the preparation of SARA Section 313 Form R report for a missile manufacturer. This included development of chemical mass balances, process assessment and identification of potential emission reduction steps.

Recycle Paper Manufacturer, Flagstaff, Arizona. Project Manager for development and implementation of a Hazardous Material management Plan (HMMP) for a recycled paper manufacturer located in Flagstaff, Arizona. The project included review of the existing chemical inventory, and use, storage and handling procedures. Once an accurate inventory of the existing chemicals was completed, a best management plan for each chemical type was developed based on the requirements of the Uniform Fire Code (UFC), National Fire Protection Association (NFPA), and Uniform Building Code (UBC) guidelines for chemical storage, use, and dispensing. Upon completion of the HMMP, engineering recommendations were developed in accordance with the UFC, NFPA, and UBC for improving the existing chemical storage facilities. These recommendations were submitted to the Flagstaff Fire department and were accepted unconditionally. The engineering recommendations included construction of epoxy coated concrete containment walls, floors, ramps, catch basins, and sumps, structural steel roof, ladder, and stair systems, masonry wall systems, fire sprinkler enhancements, explosion relief and fire door systems, mechanical ventilation systems, piping systems, fire alarm systems, and tank level control systems. Upon completion of the construction drawings and specifications reflecting the engineering recommendations, Mr. Whitwer provided construction management and engineering inspection during construction of the chemical storage facility improvements.

Process Engineering

Honeywell, Inc., Phoenix, Arizona. Project Manager for the assessment of a wastewater pretreatment system and necessary upgrade following shutdown of circuit board manufacturing processes. Evaluation included identification of existing waste stream characteristics, evaluation of options, and recommendations for revised treatment system.

Microchip Technology, Inc., Chandler, Arizona. Principal for the evaluation of a wastewater pretreatment system to identify causes of industrial wastewater discharge permit exceedances and recommendations for upgrading system. Recommended valving, mixing, and chemical usage changes to increase system reliability.

Speedfam Inc., Chandler, Arizona. Principal for the evaluation of a wastewater pretreatment system to identify causes of industrial wastewater discharge permit exceedances and recommendations for upgrading system. Recommended valving, mixing, and chemical usage changes to increase system reliability.

Sumitomo Sitix, Phoenix, Arizona. Principal for support of wastewater permit application preparation and compliance sampling of wastewater stream at this semiconductor wafer manufacturing facility.

SGS-Thomson Microelectronics, Phoenix, Arizona. Prepared an Industrial Wastewater Discharge permit application for semiconductor manufacturer. Evaluated wastewater discharge characteristics, identified potential non-compliance issues, and assisted in negotiations with the city to obtain permit.

Imation, Tucson Arizona. Evaluated wastewater treatment system used to remove VOCs and heavy metals and recommended design changes to achieve compliance with wastewater discharge permit. Met with city officials and provided documentation to support negotiations with city.

World Resources Company, Phoenix, Arizona. Principal for the design/build of a wastewater treatment system. The treatment system consisted of pH adjustment, flocculation, clarification, and solids thickening to reduce the metals concentrations to permitted levels.

Motorola Inc., Phoenix, Arizona. Project Engineer for a study conducted to identify beneficial uses of 750 gallons per minute (gpm) of treated groundwater at this CERCLA site. Potential end uses included cooling tower makeup and landscaping, with the final end use selected to be feed to the ultrapure water system used in the semiconductor manufacturing process.

Sterilite Corporation, Lake Havasu, Arizona. Project Manager for process water evaluation for this injection molding facility. Identified causes of process piping corrosion, evaluated treatment methods, and designed reverse osmosis (RO) system. Provided turnkey installation of RO system.

Miyama Resort, Territory of Guam. Project Engineer for the design of a Potable Water Treatment Facility for this resort. Design encompassed reverse osmosis and was supported by mixed media and pressure filtration, pH adjustment, dechlorination, and degasification.

El Paso Natural Gas, Gallup, New Mexico. Project Engineer for the development of a Wastewater Discharge Permit for Wingate Plant. Performed water balance, qualified wastewater discharges, and sampled soil and wastewater.

Speedfam, Inc., Chandler, Arizona. Principal for the design/build of a wastewater treatment system for Speedfam, Inc., a manufacturer of Chemical Mechanical Polishing (CMP) tools. The system consists of flow equalization, solids removal, and pH adjustment.

Wisconsin Tissue, Bellemont, Arizona . Principal for a 5,000 gallons per day (gpd) wastewater treatment plant for Wisconsin Tissue located in Bellemont, Arizona. Project included design of approximately 1,200 lineal foot of sewer line, 750 lineal foot of potable water line, 2,400 lineal foot of effluent perforated lateral located in a 12,000 square foot leach field, an 800 square foot prefabricated metal building and foundation system, and specification of a prefabricated wastewater treatment system. Upon completion of the design, provided construction management and general contracting services for construction of the facility.

Sunstreet Foods, Phoenix, Arizona . Project manager for the installation of an oil water separator for a truck wash facility at the Sunstreet Foods (Carnation) facility, Phoenix, Arizona. Project consisted of design and construction management for the installation of a precast oil water separator, private

sewer lines, and city sewer connection. Project specifics included demolition, excavation, backfill and compaction, concrete replacement, and sewer pipe installation.

Pollution Prevention

Luke Air Force Base, Arizona. Principal-in-Charge for preparation of a Source Reduction Evaluation, Review, and Plan (SRERP). The SRERP identified major waste streams, source reduction opportunities, and action taken. The SRERP was a requirement of Luke AFB's RCRA Bart B permit.

Luke Air Force Base, Arizona. Principal-in-Charge for preparation of a Hazardous Waste Management Performance Report. This report documents the hazardous waste management approaches implemented at the base and was a requirement of Luke AFB's RCRA Bart B permit.

Phelps Dodge Morenci, Inc., Morenci, Arizona. Prepared a pollution prevention plan and prepared a pollution prevention analysis, identifying pollution prevention options and opportunities, and recommending specific performance goals.

Phelps Dodge Corporation, Phoenix, Arizona . Prepared and presented a Pollution Prevention Workshop to corporate meeting of environmental managers from Phelps Dodge. Workshop addressed pollution prevention basics, how to implement a program, and provided technical information and guidance literature.

Marine Corps Air Station, Yuma, Arizona. Prepared a Hazardous Waste Assessment and Hazardous Waste Minimization Plan. The Assessment identified the major waste streams and generation at the Station. Options for minimizing or eliminating these waste streams were then quantified as part of the Hazardous Waste Minimization Plan.

Luke Air Force Base, Arizona. Project Manager for a hazardous waste usage and minimization study. Project involved characterization of waste-generating processes and operations; identification of waste minimization opportunities and implementation of these opportunities; improvement of material ordering, supply, and tracking systems; and identification of processes and operations which contribute to permit exceedances at the wastewater plant.

Hughes Missile Systems, Tucson, Arizona. Served as a Project Engineer in the development of a waste minimization program for a missile manufacturer. This program consisted of evaluation of manufacturing processes, identification of a database to contain chemical information, and implementation of process changes or chemical substitutions to achieve waste minimization. Developed treatment alternatives in order to minimize and/or recycle on-site generated wastes.

Work History

2005—present: Allwyn Environmental; Glendale, Arizona; Managing Member.

2000—2005: Kleinfelder, Inc.; Tempe, Arizona; Arizona Regional Manager.

1998—2000: Dames & Moore/URS Corporation; Charlotte, North Carolina; Carolinas Operations Manager.

1997-1998: Merrick & Company; Phoenix, Arizona; Business Development Manager, Industrial Sector.

1989-1997: Dames & Moore; Phoenix, Arizona; Remediation and Compliance Manager.

1986-1989: Litton Electron Devices; Tempe, Arizona; Process Engineer.