SOIL MANAGEMENT PLAN
99 RIDGELAND ROAD
HENRIETTA, NEW YORK

VOLUNTARY CLEANUP PROGRAM
SITE #V00230-8

by

Haley & Aldrich of New York
Rochester, New York

for

New York State Department of Environmental Conservation
Avon, New York

File No. 70753-002
March 2004
(Revised June 2004 by NYSDEC)

1. OVERVIEW AND OBJECTIVES

The property at 99 Ridgeland Road is a 1.25 acre parcel located at the end of a cul-de-sac extending off Jefferson Road in Henrietta, New York (see Figure 1). The property is owned by GMC Management Corporation. Environmental conditions at the subject site have been characterized during several previous investigations. The user should refer to the previous investigation reports listed in the references for more detail, as needed.

The objective of this plan is to set guidelines for the management of site soil material during any future activities which would breach the cover system at the subject property. This Soil Management Plan (SMP) addresses environmental concerns related to soil management and has been reviewed and approved by the New York State Department of Environmental Conservation (NYSDEC) as shown in the attached letter.

2. NATURE AND EXTENT OF CONTAMINATION

Based on data obtained from previous investigations and the Report on Voluntary Cleanup Agreement Investigations dated April 2002, prepared by Haley & Aldrich, Inc. the constituents of potential concern (COPCs) for soil include the chlorinated solvent trichloroethene (TCE) and its breakdown down products dichloroethene (cis-1,2 and trans-DCE) and vinyl chloride (VC). Soil contamination appears to be limited to the area immediately surrounding the 99 Ridgeland building greater than four feet below ground surface. Subsurface soil analytical results indicated only cis-1,2-dichloroethene detected at a concentration that appeared to exceed TAGM 4046 comparison values. Surface soil samples were collected from 0 to 2 inches and analyzed, no COPC were detected.

Groundwater contaminants including TCE and biodegradation breakdown products are present at levels above NYSDEC guidance criteria (TOGS 1.1.1) at several site monitoring wells at maximum concentrations of approximately 3 mg/L. Groundwater level fluctuates seasonally between approximately 2 to 8 feet below ground surface.

3. PROPERTY USE

One building of slab-on-grade construction exists on the property and is used as office space. Future property use will be prohibited for purposes other than commercial and industrial as restricted in the Declaration of Covenants and Restrictions filed in the Monroe County Clerk's Office and the services associated with such use excluding daycare, child care and medical care without approval from the relevant agency.

4. PURPOSE AND DESCRIPTION OF SURFACE COVER SYSTEM

The purpose of the surface cover system is to eliminate the potential for human contact with fill material and eliminate the potential for contaminated run-off from the property. The cover system at the property consists mostly of asphalt, concrete, and sub base materials underlying the building and paved areas. The balance of the property is grass covered or landscaped.

5. MANAGEMENT OF SOILS/FILL AND LONG TERM MAINTENANCE OF COVER SYSTEM

The purpose of this section is to provide environmental guidelines for management of subsurface soils/fill and the long-term maintenance of the cover system during any future intrusive work which breaches the cover system.

The SMP includes the following conditions:

- Any breach of the cover system at the site (i.e. including landscaping, construction or utilities work) must be replaced or repaired, and any borrow source must be free of industrial and/or other potential sources of chemical or petroleum contamination. The repaired area must be covered with clean soil and reseeded or covered with impervious product such as concrete or asphalt, to prevent erosion in the future.

- Control of surface erosion and run-off of the entire property at all times, including during construction activities and maintenance of the vegetative cover established on the property.

- Site soil that is excavated and is intended to be removed from the property must be properly managed, characterized, and disposed of in accordance with NYSDEC regulations and directives. Details on soil characterization are described in Section 5.1.

- Soil excavated at the site may be reused as backfill material on-site, provided it contains no visual or olfactory evidence of contamination and it is placed beneath a cover system component as described in Section 4.

- Any off-site fill material brought on-site for filling and grading purposes shall be from an acceptable borrow source, free of industrial and/or other potential sources of chemical or petroleum contamination. Off-site borrow sources should be subject to collection of one representative composite sample per source. The sample should be analyzed for Target Compound List (TCL) VOCs, SVOCs, pesticides, PCBs, and TAL metals plus cyanide. The soil will be acceptable for use as cover material provided that all parameters meet the NYSDEC recommended soil cleanup objectives included in TAGM 4046.

- Prior to any construction activities, workers are to be notified of the site conditions and provided instructions with respect to the performance of the work. Invasive work performed at the property will be performed in accordance with all applicable local, state, and federal regulations to protect worker health and safety.

- Routine lawn and garden maintenance that penetrates the surface less than one foot shall not be subject to the requirements of this SMP. Any changes to this provision must also be included in a deed amendment.

- The Owner shall complete and submit to the Department an annual report by February 28th of each year, or at longer intervals that the Department may approve, in the attached format. Such annual report shall contain certification that the institutional

controls put in place, pursuant to the Declaration of Covenants and Restrictions, are still in place, have not been altered and are still effective; that the remedy and protective cover have been maintained; and that the conditions at the site are fully protective of public health and the environment. The annual report shall also contain a summary of activities undertaken pursuant to the SMP during the past year and anticipated forthcoming activities that may require implementation of the SMP.

- If the cover system has been breached during the year covered by that Annual Report, the owner of the property shall include a certification that all work was performed in conformance with this SMP.

5.1 Excavated and stockpiled soil/fill disposal

Soil/fill that is excavated from the site as part of development, which can not be used as fill below the cover system, will be further characterized prior to transportation off-site for disposal at a permitted facility. For excavated soil/fill with visual evidence of contamination (i.e., staining or PID measurements), one composite sample and a duplicate sample will be collected for each 100 cubic yards of stockpiled soil/fill. For excavated soil/fill that does not exhibit visual evidence of contamination but must be sent for off-site disposal, one composite sample and a duplicate sample will be collected for 2000 cubic yards of stockpiled soil, and a minimum of 1 sample will be collected for volumes less than 2000 cubic yards.

The composite sample will be collected from five locations within each stockpile. A duplicate composite sample will also be collected. PID measurements will be recorded for each of the five individual locations. One grab sample will be collected from the individual location with the highest PID measurement. If none of the five individual sample locations exhibit PID readings, one location will be selected at random. The samples will be analyzed by a NYSDOH ELAP-certified laboratory for Target Compound List VOCs.

Soil samples will be composited by placing equal portions of fill/soil from each of the five composite sample locations into a pre-cleaned, stainless steel or Pyrex glass mixing bowl. The soil/fill will be thoroughly homogenized using a stainless steel scope or trowel and transferred to pre-cleaned jars provided by the laboratory. Sample jars will then be labeled and chain-of-custody form(s) will be prepared.

Additional characterization sampling for off-site disposal may be required by the disposal facility. To potentially reduce off-site disposal requirements/costs, the Owner may also choose to characterize each stockpile individually. If the analytical results indicate that concentrations exceed the standards for RCRA characteristics, the material will be considered a hazardous waste and must be properly disposed off-site at a permitted disposal facility within 90 days of excavation. If the analytical results indicate that the soil is not a hazardous waste, the material will be properly disposed off-site at a non-hazardous waste facility. Stockpiled soil of unknown status cannot be transported on or off-site until the analytical results are received.

5.2 Subgrade material

Subgrade material used to backfill excavations or placed to increase site grades or elevation shall meet the following criteria.

- Excavated on-site soil/fill which appears to be impacted (i.e. visually, odor) shall be sampled and analyzed. If analytical results indicate that the contaminants, if any, are present at concentrations below NYSDEC TAGM 4046 Guidance Criteria the soil/fill can be used as backfill on-site.

- Any off-site fill material brought to the site for filling and grading purposes shall be from an acceptable borrow source free *of* industrial and/or other potential sources *of* chemical or petroleum contamination.

- Off-site soils intended for use as site backfill cannot otherwise be defined as a solid waste in accordance with 6 NYCRR Part 360-1.2(a).

- If the contractor designates a source as "virgin" soil, it shall be further documented in writing to be native soil material from areas not having supported any known prior industrial or commercial development or agricultural use.

- Virgin soils should be subject to collection of one representative composite sample per source. The sample should be analyzed for TCL VOCs, SVOCs, pesticides, PCBs, arsenic, barium, cadmium, chromium, lead, mercury, selenium, silver, and cyanide. The soil will be acceptable for use as backfill provided that all parameters meet NYSDEC TAGM 4046 Guidance Criteria.

- Non-virgin soils will be tested via collection of one composite sample per 500 cubic yards of material from each source area. If more than 1,000 cubic yards of soil are borrowed from a given off-site non-virgin soil source area and both samples of the first 1,000 cubic yards meet NYSDEC TAGM 4046 Guidance Criteria, the sample collection frequency will be reduced to one composite for every 2,500 cubic yards of additional soils from the same source, up to 5,000 cubic yards. For borrow sources greater than 5,000 cubic yards, sampling frequency may be reduced to one sample per 5,000 cubic yards, provided all earlier samples met the NYSDEC TAGM 4046 Guidance Criteria.

REFERENCES

1. Revised Work Plan, prepared by Haley & Aldrich, 29 July 1999.

2. Air Sampling Plan, prepared by Haley & Aldrich, 17 May 2000.

3. Workplan Addendum prepared by Haley & Aldrich, 23 June 2000.

4. Workplan Addendum prepared by Haley & Aldrich, 28 June 2001.

5. Workplan Addendum prepared by Haley & Aldrich, 18 January 2002.

DEC SOIL MANAGEMENT ANNUAL REPORT
99 Ridgeland Road, Henrietta, New York
Voluntary Cleanup Program Site # V00230-8
Year: 200_

The undersigned owner of the site (the "Site") at 99 Ridgeland Road in the Town of Henrietta, New York certifies that:

1. The institutional controls put in place at the Site, pursuant to the Declaration of Covenants and Restrictions recorded with the Monroe County Clerk, are still in place, have not been altered and are still effective.

2. The remedy pursuant to the Voluntary Cleanup Agreement filed with the New York State Department of Environmental Conservation ("DEC") under Index No. B8-0520-97-09, and the protective cover at the Site, have been maintained in accordance the Soil Management Plan (the "SMP") approved by DEC.

3. The conditions at the Site are fully protective of public health and the environment.

4. If the cover system over the areas affected by constituents of potential concern has been breached during the previous year, all work was performed in conformance with the SMP. — This means the entire property

5. Attached is a summary of activities undertaken pursuant to the SMP during the past year and anticipated forthcoming activities that may require implementation of the SMP.

Dated: _____

Owner: **GMC Management Corp.**

By: _____
Title: _____

UNDERGROUND
ENGINEERING &
ENVIRONMENTAL
SOLUTIONS

Haley & Aldrich of New York
200 Town Centre Drive
Suite 2
Rochester, NY 14623-4264
Tel: 585.359.9000
Fax: 585.359.4650
www.HaleyAldrich.com

HALEY & ALDRICH

25 February 2004
File No: 70753-002

New York State Department of Environmental Conservation
Region 8
6274 E. Avon-Lima Road
Avon, New York 14414

Attention: Frank Sowers, P.E.

Subject: Voluntary Cleanup Agreement Remediation Report On Installation of a Sub-Slab Depressurization System
99 Ridgeland Road
Henrietta, New York 14444

Dear Mr. Sowers:

OFFICES

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This letter documents the installation of the sub-slab depressurization system at the subject site during November 2003. The system described herein was installed in accordance with the Voluntary Cleanup Agreement Work Plan For Implementation of Monitored Natural Attenuation (MNA Work Plan) Addendum dated 14 July 2003. The installation of the sub-slab depressurization system was in response to a request made by NYSDOH during discussions with NYSDEC concerning approval of the MNA Work Plan. All changes made to the final design and installation of the system are discussed herein.

INTRODUCTION

The sub-slab depressurization system installed at the site consists of a vent pipe that penetrates the concrete floor slab with an in-line fan that draws air from beneath the concrete slab effectively lowering the sub-slab air pressure relative to the indoor air pressure. This system facilitates the collection of sub-slab soil vapor to prevent potential volatile organic vapor migration to indoor air, and to safely vent the vapor to the atmosphere. The system components are located in the maintenance closet and above the ceiling tiles within the central corridor of the 99 Ridgeland building (see Figure 1 attached).

COMMUNICATION TEST

On 29 October 2003 a sub-slab communication test was performed in the central hallway to determine the appropriateness of the regenerative blower specified in the MNA Work Plan Addendum. The sub-slab communication test was performed by drilling three holes through the floor of the central corridor, applying approximately 2 water column inches (WCI) of vacuum to the sub-slab through one hole and monitoring the pressure differential

approximately 15 and 30 feet away from the applied vacuum (see Figure 1). A differential of 0.010 WCI was observed at 15 feet and 0.005 WCI at 30 feet.

Results of the communication test confirm the presence of sub-slab materials with moderate to high porosity. We assume sub-slab conditions to be uniform underneath the entire slab. Given these sub-slab conditions, low vacuum and high air flow became the desired equipment parameters to effectively maximize the radius of influence within which sub-slab pressure is lowered. The regenerative blower specified in the MNA Work Plan Addendum produces moderately high vacuum and minimal air flow, which would likely limit the amount of affected sub-slab area. Based on the results of the sub-slab communication test, an in-line fan capable of generating 2.2 WCI vacuum and a maximum of 185 cfm airflow was installed in place of the regenerative blower specified in the MNA Work Plan Addendum.

SYSTEM INSTALLATION

The sub-slab depressurization system was installed as follows, and shown on Figure 1.

- A 3-inch diameter hole was cored through the concrete floor in the utility closet to a depth of 1-inch below the slab into the sub-slab granular fill. A 3-inch PVC pipe was installed to conduct soil vapor vertically from below the slab to the utility space above the ceiling and then horizontally piped (1/8-in per foot slope towards the suction point) to an exhaust point on the west sidewall of the building. The vent pipe extends 18-inches above the roofline.

- An in-line fan (FanTech Model 2190) was installed on the vertical riser pipe above the ceiling.

- A manometer was installed at eye level on the vertical riser pipe located in the closet. The manometer serves as an indicator that the fan is functioning. Subsequent to system installation, sub-slab pressure was measured at 0.006 WCI using a digital manometer approximately 30 feet away from the point at which the pipe penetrates the slab.

- The installation was performed by Mitigation Tech of Brockport, New York on 19 November 2003.

If you have any questions or concerns please do not hesitate to contact us.

Sincerely yours,

HALEY & ALDRICH OF NEW YORK

Glenn M. White
Environmental Scientist

Jonathan D. Babcock, P.E.
Senior Engineer

Vincent B. Dick
Vice President

Attachment: Figure 1 - Sub-slab Depressurization System Detail
Catalog Sheets - Fantech Model 2190
Engineers Statement

Xc: Gunter Borrosch, American Seipmann
Paul Sylvestri, Esq., Harter, Secrest & Emery

G:\Projects\70753\002\sub-slabDe-presSystReport.doc

ENGINEERS STATEMENT

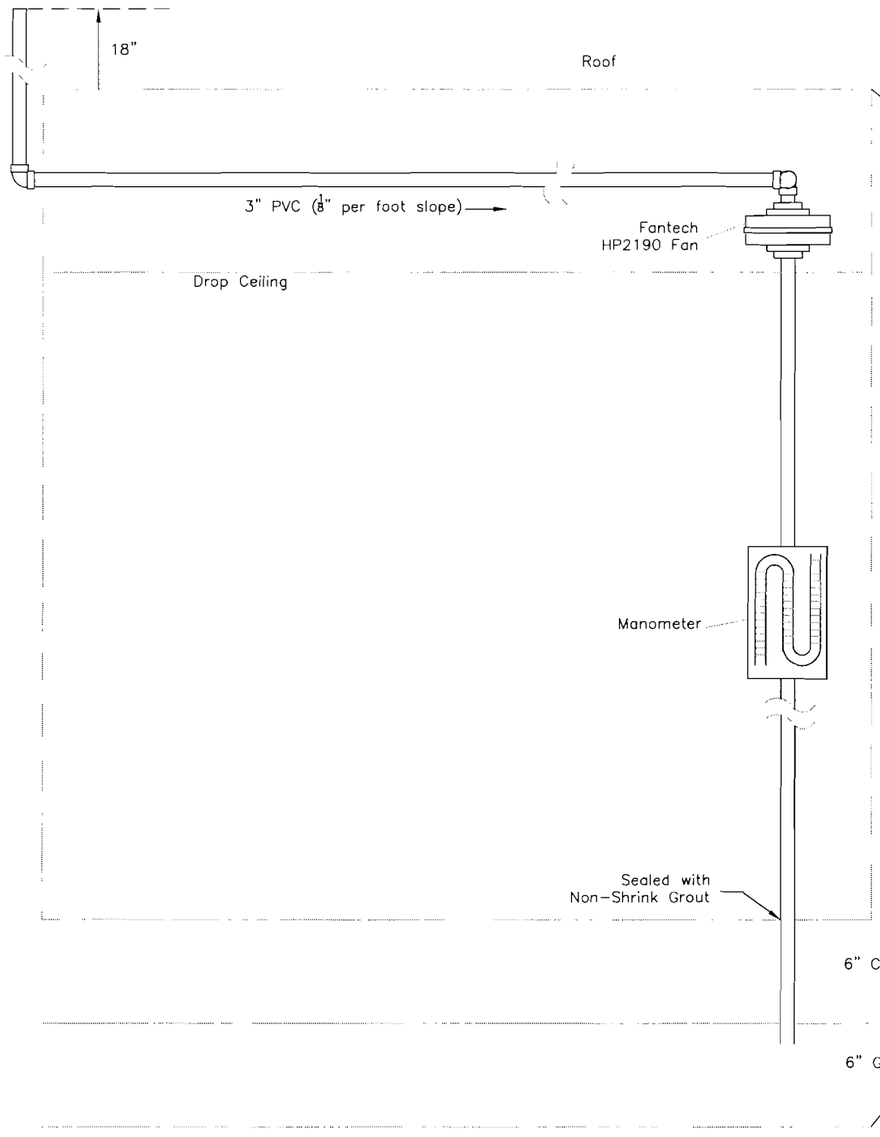
Subject: Voluntary Cleanup Agreement Remediation Report On Installation of a Sub-Slab Depressurization System
99 Ridgeland Road
Henrietta, New York 14444

I certify that the sub-slab depressurization system required by the Remedial Action Work Plan was implemented and that all construction activities were completed substantially in accordance with the Department-approved Remedial Action Work Plan and were witnessed by a person under my direct supervision.

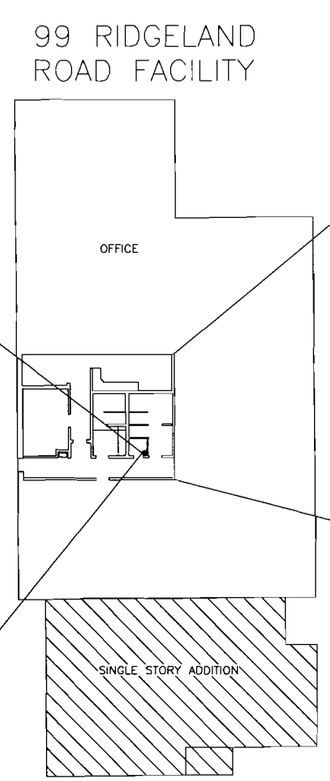
Jonathan D. Babcock, P.E.
Senior Engineer
Haley & Aldrich, Inc.

12/21/01
Date

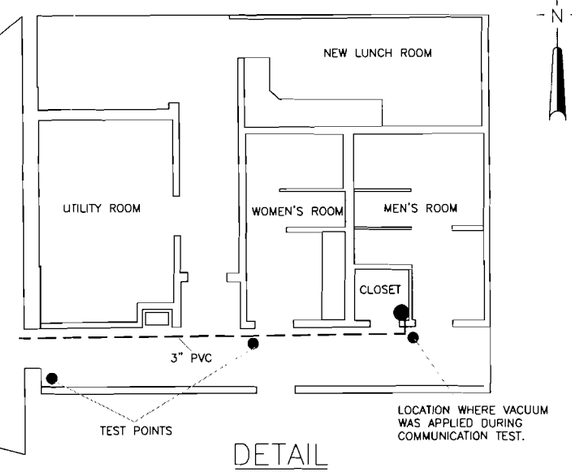
HALEY & ALDRICH



PROFILE VIEW



PLAN VIEW



DETAIL

KEY:

- ☐ ORIGINAL BUILDING, SINGLE SLAB-ON-GRADE CONSTRUCTION
- ▨ BUILDING ADDITION, CONSTRUCTED 2002-2003

NOTES:

1. OFFICE BUILDING AND ADDITION PLAN VIEW PROVIDED BY EDWIN A. SUMMERHAYS DRAWING TITLED "SKETCH SHOWING NEW BUILDING AND PARKING LOT LOCATIONS SITUATED AT 99 RIDGELAND ROAD TOWN OF HENRIETTA, MONROE COUNTY NEW YORK STATE", DATED 1/20/04.

2. OFFICE BUILDING DETAIL PROVIDED BY EJD ARCHITECTURE DRAWING TITLED "RENOVATION: 99 RIDGELAND ROAD", DATED 5/1/96.

HALEY & ALDRICH

HARTER SECREST & EMERY
99 RIDGELAND ROAD SITE
HENRIETTA, NEW YORK

SUB-SLAB DEPRESSURIZATION SYSTEM DETAIL RECORD DRAWING

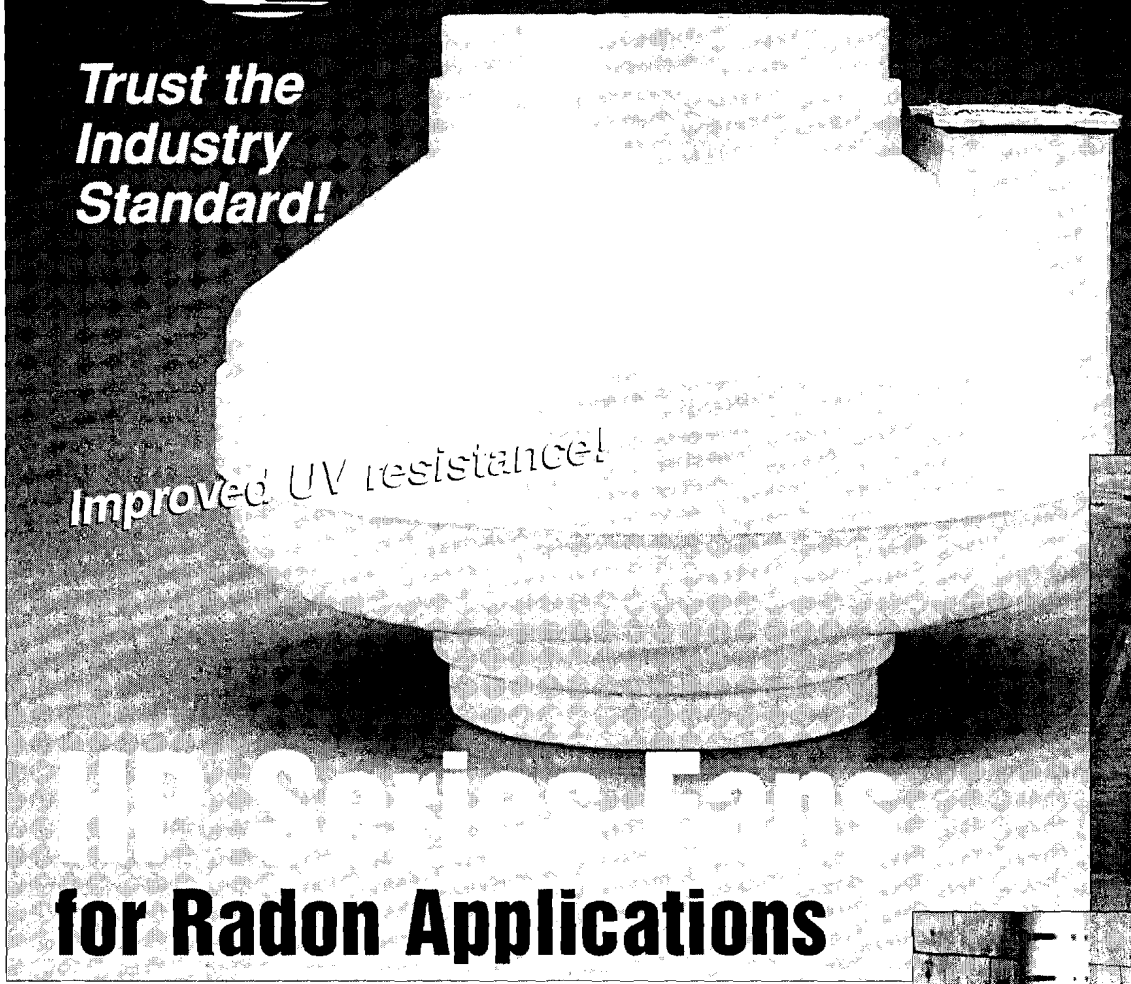
DRAWING NOT TO SCALE — FEBRUARY 2004

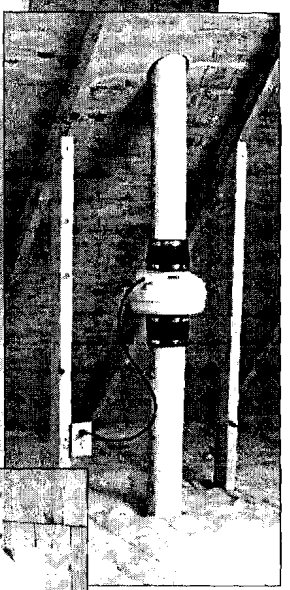
70753-002

FIGURE 1

Fantech

Trust the Industry Standard!

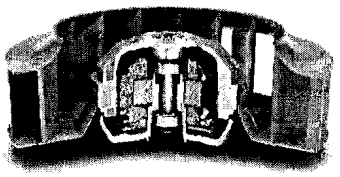




for Radon Applications

Why put your reputation at stake by installing a fan you know won't perform like a Fantech? For nearly fourteen years, Fantech has manufactured quality ventilation equipment for Radon applications. Fantech is the fan Radon contractors have turned to in over 1,000,000 successful Radon installations worldwide.

Fantech HP Series Fans Provide the Solutions to meet the challenges of Radon applications:



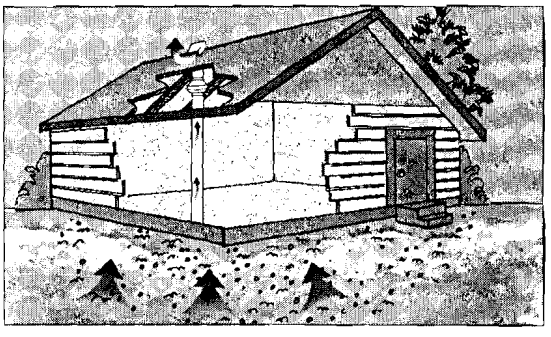
HOUSING
- UV resistant, UL listed durable plastic
- UL Listed for use in commercial applications
- Factory sealed to prevent leakage
- Watertight electrical terminal box
- Approved for mounting in wet locations - i.e. Outdoors

MOTOR
- Totally enclosed for protection
- High efficiency EBM motorized impeller
- Automatic reset thermal overload protection
- Average life expectancy of 7-10 years under continuous load conditions

RELIABILITY
- Five Year Full Factory Warranty
- Over 1,000,000 successful radon installations worldwide

Fantech

HP Series Fans are specially designed with higher pressure capabilities for Radon Mitigation applications



Fantech has developed the HP Series fans specifically to suit the higher pressure capability requirements needed in Radon Mitigation applications. Most Radon Mitigators who previously used the Fantech FR Series fans have switched to the new HP Series.

Performance Data

Fan Model	Volts	Wattage Range	Max. Amps	CFM vs. Static Pressure in Inches W.G.								Max. Ps
				0"	0.5"	0.75"	1.0"	1.25"	1.5"	1.75"	2.0"	
HP2133	115	14 - 20	0.17	134	68	19	-	-	-	-	-	0.84
HP2190	115	60 - 85	0.78	163	126	104	81	58	35	15	-	1.93
HP175	115	44 - 65	0.57	151	112	91	70	40	12	-	-	1.66
HP190	115	60 - 85	0.78	157	123	106	89	67	45	18	1	2.01
HP220	115	85 - 152	1.30	344	260	226	193	166	137	102	58	2.46

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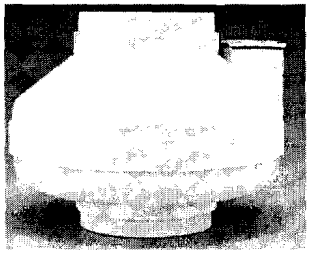
Performance Curves

Fantech provides you with independently tested performance specifications.

The performance curves shown in this brochure are representative of the actual test results recorded at Texas Engineering Experiment Station/Energy Systems Lab, a recognized testing authority for HVI. Testing was done in accordance with AMCA Standard 210-85 and HVI 915 Test Procedures. Performance graphs show air flow vs. static pressure.

Use of HP Series fans in low resistance applications such as bathroom venting will result in elevated sound levels. We suggest FR Series or other Fantech fans for such applications.

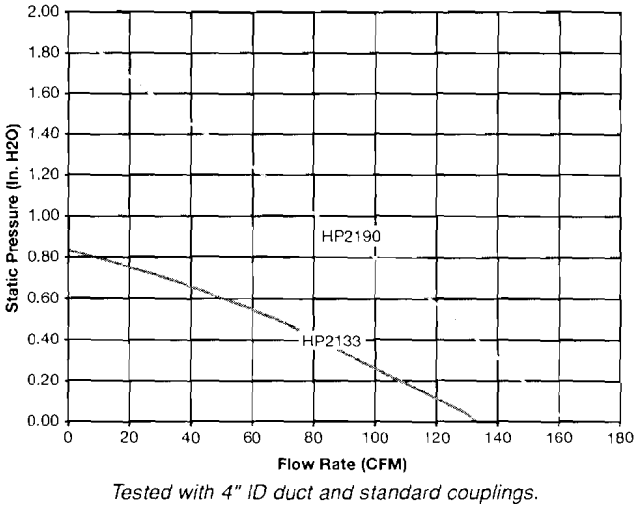


HP FEATURES INCLUDE

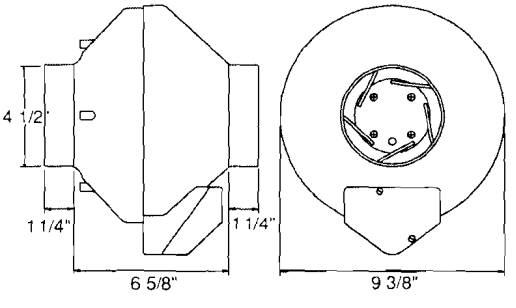
- Improved UV resistant housings approved for commercial applications.
- UL Approved for Wet Locations (Outdoors)
- Sealed housings and wiring boxes to prevent Radon leakage or water penetration
- Energy efficient permanent split capacitor motors
- External wiring box
- Full Five Year Factory Warranty

c UL us

HP2133 and 2190 Radon Mitigation Fans



Tested with 4" ID duct and standard couplings.

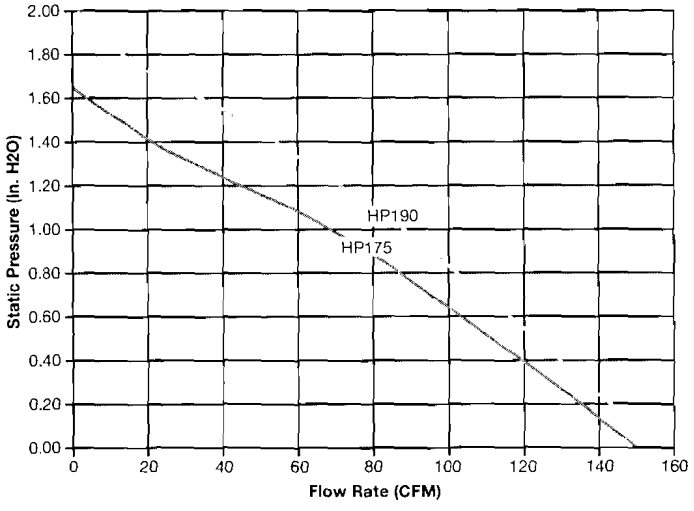


HP2133 – For applications where lower pressure and flow are needed. Record low power consumption of 14-20 watts! Often used where there is good sub slab communication and lower Radon levels.

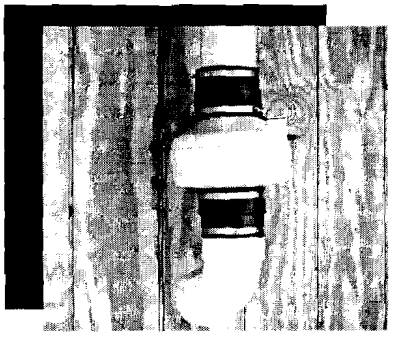
HP2190 – Performance like the HP190 but in a smaller housing. Performance suitable for the majority of installations.

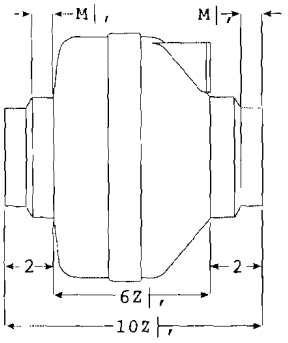
Fans are attached to PVC pipe using flexible couplings.
For 4" PVC pipe use Indiana Seals #156-44, Pipeconx PCX 56-44 or equivalent.
For 3" PVC pipe use Indiana Seals #156-43, Pipeconx PCX 56-43 or equivalent.

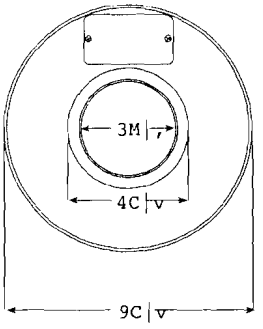
HP175 and HP190 Radon Mitigation Fans



Tested with 4" ID duct and standard couplings.







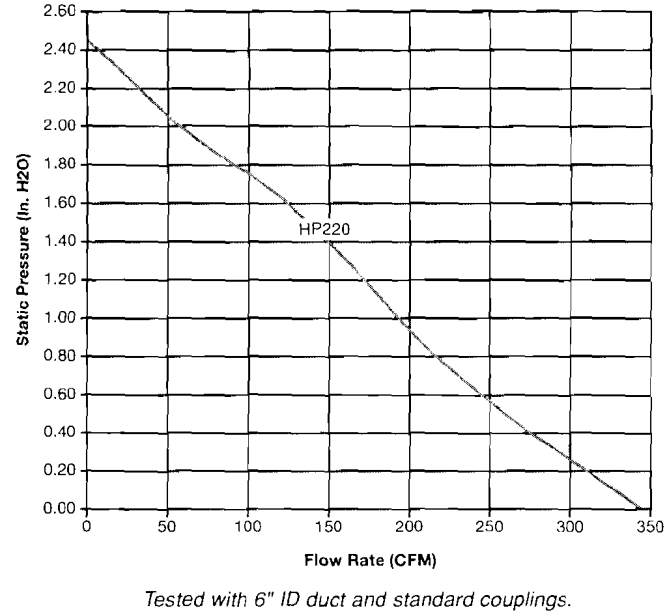
HP175 – The economical choice where slightly less air flow is needed. Often used where there is good sub slab communication and lower Radon levels.

HP190 – The standard for Radon Mitigation. Ideally tailored performance curve for a vast majority of your mitigations.

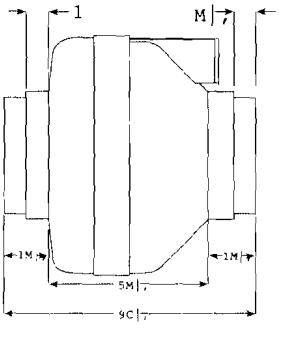
Fans are attached to PVC pipe using flexible couplings.
For 4" PVC pipe use Indiana Seals #151-44, Pipeconx PCX 51-44 or equivalent.

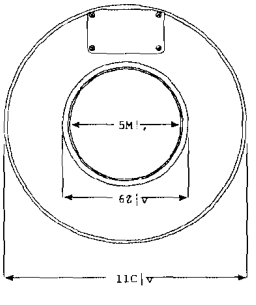
For 3" PVC pipe use Indiana Seals #156-43, Pipeconx PCX 56-43 or equivalent.

HP220 Radon Mitigation Fan



Tested with 6" ID duct and standard couplings.



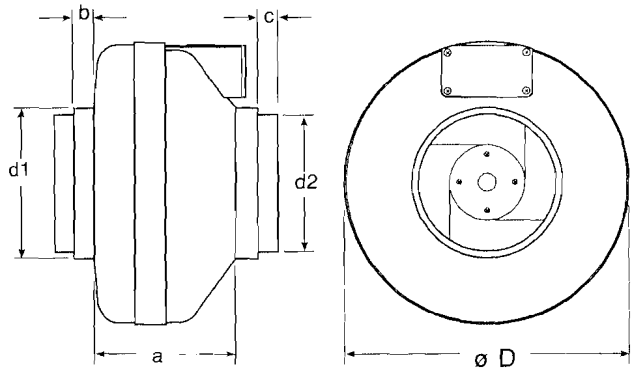


HP 220 – Excellent choice for systems with elevated radon levels, poor communication, multiple suction points and large subslab footprint. Replaces FR 175.

Fans are attached to PVC pipe using flexible couplings.
For 4" PVC pipe use Indiana Seals #156-64, Pipeconx PCX 56-64 or equivalent.

For 3" PVC pipe use Indiana Seals #156-63, Pipeconx PCX 56-63 or equivalent.

The Original Mitigator – Fantech's FR Series Fans



Dimensional Data

model	øD	d1	d2	a	b	c
FR100	9 1/2	3 7/8	4 7/8	6 1/8	7/8	7/8
FR110	9 1/2	3 7/8	4 7/8	6 1/8	7/8	7/8
FR125	9 1/2	–	4 7/8	6 1/8	7/8	–
FR140	11 3/4	5 7/8	6 1/4	5 7/8	1	7/8
FR150	11 3/4	5 7/8	6 1/4	5 7/8	1	7/8
FR160	11 3/4	5 7/8	6 1/4	6 3/8	1	7/8
FR200	13 1/4	7 7/8	9 7/8	6 1/4	1 1/2	1 1/2
FR225	13 1/4	7 7/8	9 7/8	6 1/4	1 1/2	1 1/2
FR250	13 1/4	–	9 7/8	6 1/4	–	1 1/2

All dimensions in inches

Performance Data

Fan Model	Energy Star	RPM	Volts	Rated Watts	Wattage Range	Max. Amps	CFM vs. Static Pressure in Inches W.G.							Max. Ps	Duct Dia.
							0"	.2"	.4"	.6"	.8"	1.0"	1.5"		
FR100	✓	2900	115	19	13 – 19	0.18	122	100	78	55	15	-	-	0.87"	4"
FR110	-	2900	115	80	62 – 80	0.72	167	150	133	113	88	63	41	0.60"	4"
FR125	✓	2950	115	18	15 – 18	0.18	148	120	88	47	-	-	-	0.79"	5"
FR140	✓	2850	115	61	47 – 62	0.53	214	190	162	132	99	46	-	0.15"	6"
FR150	✓	2750	120	71	54 – 72	0.67	263	230	198	167	136	106	17	1.58"	6"
FR160	-	2750	115	129	103 – 130	1.14	289	260	233	206	179	154	89	2.32"	6"
FR200	✓	2750	115	122	106 – 128	1.11	408	360	308	259	213	173	72	2.14"	8"
FR225	✓	3100	115	137	111 – 152	1.35	429	400	366	332	297	260	168	2.48"	8"
FR250	-	2850	115	241	146 – 248	2.40	649	600	553	506	454	403	294	2.58"	10"

FR Series performance is shown with ducted outlet. Per HVI's Certified Ratings Program, charted air flow performance has been derated by a factor based on actual test results and the certified rate at .2 inches WG.

Five (5) Year Warranty

THIS WARRANTY SUPERSEDES ALL PRIOR WARRANTIES

FOR FACTORY RETURN YOU MUST:

1) Have a Return Materials Authorization (RMA) number. This number may be obtained by calling FANTECH, INC. at 1-800-747-1762. Please have Bill of Sale available.
2) The RMA number must be clearly displayed on the outside of the carton, or delivery will be refused.
3) All product being returned must be shipped prepaid and be accompanied with a copy of the Bill of Sale.
4) Product will be replaced/repaired and shipped back to buyer. No credits will be issued.

DURING THE FIRST THIRTY (30) DAYS:

FANTECH, INC. will replace any product which has a factory defect in workmanship or material. Product may be returned to either the point of purchase or the FANTECH factory, together with Bill of Sale, for an immediate replacement.

DURING THE FIRST THREE (3) YEARS: (excluding the above 30 day period)

FANTECH, Inc. will replace any product which has a factory defect in workmanship or material. Product must be returned to the FANTECH factory, together with Bill of Sale, and identified with an RMA number.

DURING YEARS FOUR (4) and FIVE (5):

FANTECH, INC. will repair or replace any product which has a factory defect in workmanship or material. Product must be returned to the Fantech FACTORY, together with a Bill of Sale, and identified with an RMA number.

THE FOLLOWING WARRANTIES DO NOT APPLY:

Damages from shipping, either concealed or visible. Claim must be filed with the carrier.

Damages resulting from improper wiring or installation.

Damages caused by acts of nature, or resulting from improper consumer procedures such as:

Improper Maintenance,
Misuse, abuse, abnormal use, or accident, or
Incorrect electrical voltage or current.

Removal or alterations made on the FANTECH label control number or date of manufacture.

Any other warranty, expressed, written or implied, and to any consequential or incidental damages, loss of property, revenues, or profit, or costs of removal, installation or reinstallation, for any breach of warranty.

WARRANTY VALIDATION:

The end user must keep a copy of the Bill of Sale to verify purchase date.

Fantech

1712 Northgate Blvd.
Sarasota, Florida 34234
Phone: 800-747-1762
Fax: 800-487-9915
Phone: 941-309-6000
Fax: 941-309-6099
www.fantech.net
e-mail: info@fantech.net

Distributed by:

Box 80
P. Sylvester

DECLARATION OF COVENANTS AND RESTRICTIONS

This covenant is made the 19th day July of 2004, by GMC Management Corp. The Corporation's principal place of business is 99 Ridgeland Road in the Town of Henrietta, New York ("GMC").

WHEREAS, GMC is the owner of a parcel of real property having Tax Map Identifier Number 162.070-01-014.100 located at 99 Ridgeland Road, Town of Henrietta, New York which is subject of the New York State Department of Environmental Conservation (the "Department") Voluntary Cleanup Program. The parcel was conveyed by Florida West Land Corporation to GMC Management Corp. by deed dated December 26, 1995 and recorded in the Monroe County Clerk's Office on December 27, 1995 in Book 8689 of Deeds at Page 30 and being more particularly described in Appendix A, attached to this Declaration of Covenants and Restrictions ("Declaration") and made a part hereof, and hereinafter referred to as the "Property"; and

WHEREAS, the Property is also the subject of a Voluntary Cleanup Agreement bearing Index No. B8-0520-97-09 entered into by American Siepmann Corporation, a former tenant at the Property, and signed on behalf of the Commissioner of the Department on October 21, 2002; and

WHEREAS, the Department approved a remedy to eliminate or mitigate all significant threats to the environment on the Property and such remedy requires that the Property be subject to restrictive covenants; and

WHEREAS, GMC agreed in a Stipulation of Settlement and Dismissal executed by GMC on October 23 1998 and filed on or about October 29, 1998 with the United States

District Court, Western District of New York in order to settle a lawsuit brought by GMC against American Siepmann Corporation and other former tenants of the Property in the United States District Court, Western District of New York, to subject the Property to restrictive covenants.

NOW, THEREFORE, GMC for itself and its successors and/or assigns, covenants that:

FIRST, the Property subject to this Declaration is more particularly described in Appendix A and shown on a map attached to this Declaration as Appendix B.

SECOND, the owner of the Property shall prohibit the Property from being used for purposes other than for commercial or industrial as restricted herein and the services associated with such use, excluding daycare, childcare, and medical care uses without the express written waiver of such prohibition by the Department or if the Department shall no longer exist, any New York State agency or agencies subsequently created to protect the environment of the State and the health of the State's citizens (the "Relevant Agency").

THIRD, the owner of the Property shall not permit any disturbance of soil or fill at the Property, except normal lawn and garden maintenance penetrating the surface less than one foot, unless in accordance with the Soil Management Plan ("SMP") approved by the Relevant Agency on June 21, 2004, or unless a modification or exception to that Soil Management Plan is approved by the Relevant Agency. The Soil Management Plan is available for review at the Department's Division of Environmental Remediation region 8 office located at 6274 East Avon-Lima Road, Avon, New York 14414-9519.

FOURTH, the owner of the Property shall prohibit the use of groundwater

underlying the Property without treatment rendering it safe for drinking water or industrial purposes, unless the user first obtains permission to do so from the Relevant Agency.

FIFTH, the owner of the Property shall certify annually or at longer intervals that the Relevant Agency may approve to the Relevant Agency that all covenants and restrictions set forth in this Declaration are in place, identify any activities undertaken pursuant to a SMP during the past year, and identify anticipated forthcoming activities that may require implementation of a SMP.

SIXTH, this Declaration is and shall be deemed a covenant that shall run with the land, shall be binding upon all future owners of the Property, and shall provide that the owner, and its successors and assigns, consent to the enforcement by the Relevant Agency, of the prohibitions and restrictions of this Declaration and hereby covenants not to contest the authority of the Relevant Agency to seek enforcement.

SEVENTH, any deed of conveyance of the Property, or any portion thereof, shall recite, unless the Relevant Agency has consented to the termination of such covenants and restrictions, that the said conveyance is subject to this Declaration.

IN WITNESS WHEREOF, the undersigned has executed this instrument the day written below.

GMC MANAGEMENT CORP.

By: _____ VP
Ernest J. McMurray

Dated: 7-12, 2004

ACKNOWLEDGMENT

STATE OF NEW YORK)
COUNTY OF MONROE) ss:

On the 19th day of July 2004, before me the undersigned, personally appeared Ernest G. Monroe, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity, and that by her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Carol-Ann V. Smith
Notary Public

CAROL-ANN V. SMITH
Notary Public
Notary Public In The State
Of New York
Monroe County
Commission Expires 3-6-07

ALL THAT TRACT OR PARCEL OF LAND, comprising 2.00 acres in Pease Industrial Park, located in Town Lot No. 4, of the 3rd Range of Lots in the Town of Henrietta, County of Monroe and State of New York, said parcel being more particularly described as follows:-

BEGINNING on the southerly right-of-way line of Ridgeland Road at a point in the easterly line of an easement for watermains, 66 feet wide, held by the City of Rochester; thence

(1) Due East, along the southerly right-of-way line of Ridgeland Road, a distance of 143.73 feet to an angle in said right-of-way line; thence

(2) N 46° 46' 28" E, continuing along said right-of-way line of Ridgeland Road, a distance of 73.01 feet to an angle point in said right-of-way line; thence

(3) Due East, still along the right-of-way line of Ridgeland Road, a distance of 63.71 feet to a point; thence

(4) S 17° 35' 36" W, along other lands of Pease Industrial Park, a distance of 408.16 feet to a point in the dividing line between lands of Pease Industrial Park and lands now or formerly of James P. Wilmot; thence

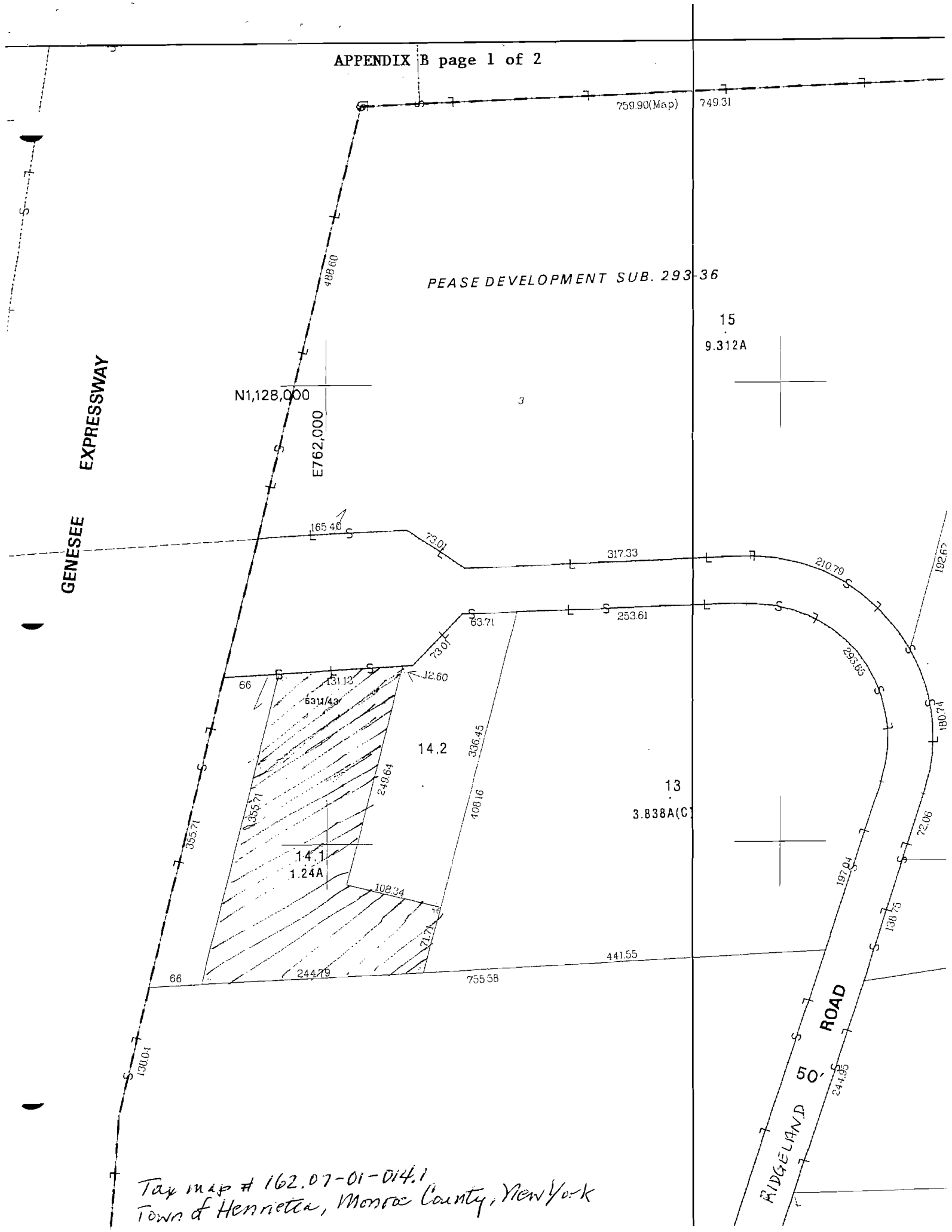
(5) Due West, along lands of now or formerly James P. Wilmot a distance of 244.79 feet to a point in the easterly line of an easement for watermains 66 feet wide held by the City of Rochester; thence

(6) N 17° 35' 36" E, along the easterly line of said watermain easement, a distance of 355.71 feet to the point of beginning, all as shown on a Map of Property dated October 5, 1966, made by Sear Brown and Associates, Consulting Engineers, Rochester, New York, excepting 0.758 acres, more or less, bounded as follows:

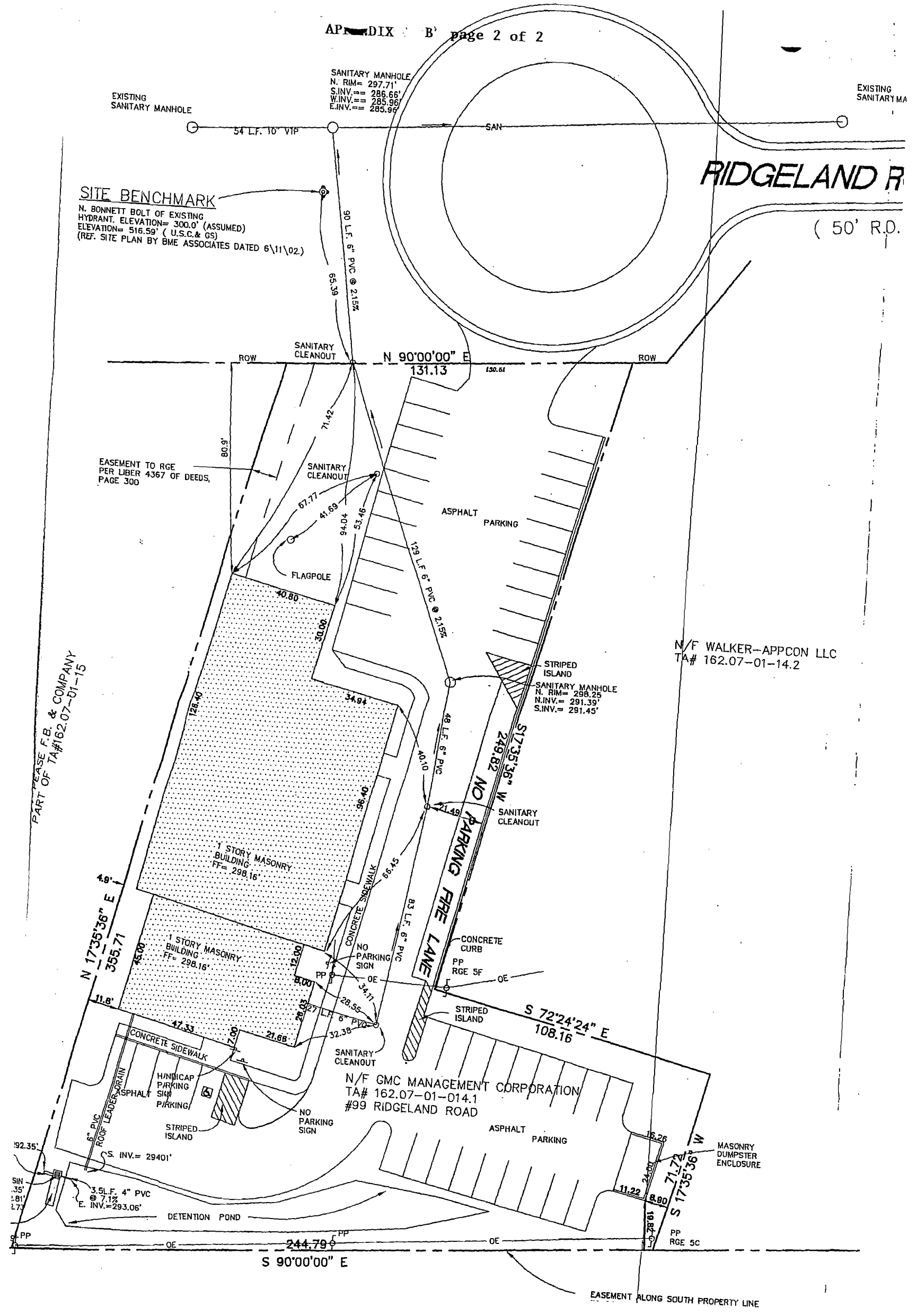
EXCEPTING FROM THE AFOREDESCRIBED PROPERTY ALL THAT TRACT OR PARCEL OF LAND, containing 0.758 acres, more or less, being a portion of Town Lot 4, 3rd Range of Lots, Township 12, Range 7, Town of Henrietta, County of Monroe, State of New York, as shown on a map prepared by Sear-Brown Associates, P.C. dated August 19, 1980, having Drawing No. 2288.01-01 being more particularly bounded and described as follows: Commencing at the south right-of-way line of Ridgeland Road at its intersection with the east line of the Genesee Expressway; thence due East, a distance of 212.97 feet to an angle point in the south right-of-way line of Ridgeland Road at the point or place of beginning; thence (1) north 46°46'28" east along the southeasterly line of Ridgeland Road right-of-way, a distance of 73.01 feet to a point; thence (2) due east along the south right-of-way line of Ridgeland Road, a distance of 63.71 feet to a point; thence (3) south 17° 35' 36" west, along the westerly property line of lands now or formerly owned by W. S. Raithel Properties, Inc., a distance of 336.45 feet to a point; thence (4) north 72° 24' 24" west, a distance of 108.34 feet to a point; thence (5) north 17° 35' 36" east, a distance of 249.64 feet to the south right-of-way line of Ridgeland Road; thence (6) due east, a distance of 12.60 feet to the point or place of beginning.

This conveyance is together with and including a right-of-way and easement for purposes of ingress and egress from the above-described premises by vehicles and pedestrians in, to, over and across Ridgeland Road to the north boundary line of Jefferson Road, Ridgeland Road being shown upon a survey map prepared by Sear-Brown Associates, dated October 5, 1966, attached hereto and made a part hereof. Such right-of-way and easement shall continue until the grantor herein shall dedicate to and cause the Town of Henrietta, N.Y. to accept Ridgeland Road as a public highway, at which time such right-of-way and easement shall automatically expire.

Which aforedescribed exception parcel was conveyed to John McGuire by Deed recorded in the Monroe County Clerk's Office in Liber 5921 of Deeds at page 297 on January 15, 1981.



Tax map # 162.07-01-014.1
Town of Henrietta, Monroe County, New York



Portion of a survey by James Missal L.S.
Reduced size required for recording
in Monroe County Clerk's Office