



Waste Management
ENVIRONMENTAL QUALITY

PAT MCCRORY
Governor

DONALD R. VAN DER VAART
Secretary

MICHAEL SCOTT
Director

November 10, 2016

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Gladys Thomas
Vice President, EHS, Remediation and Real Estate
Allegion
11819 North Pennsylvania Street
Carmel, Indiana 46032

Re: Issuance of Modified Administrative Order in Lieu of Post-Closure Permit
Former Schlage Lock Facility
EPA ID: NCD 065 300 519

Dear Ms. Thomas:

The Federal Resource Conservation and Recovery Act (RCRA) modified Administrative Order in Lieu of Post-Closure Permit for the Former Schlage Lock Facility are enclosed. This modified Administrative Order in Lieu of Post-Closure Permit identifies specific management practices that must be implemented in accordance with the North Carolina Hazardous Waste Management Rules. The enclosed modified Administrative Order in Lieu of Post-Closure Permit will constitute the RCRA permit for the Former Schlage Lock Facility.

The public comment period for the Draft Administrative Order in Lieu of Post-Closure Permit ended on November 1, 2016. No comments were received, therefore the Administrative Order in Lieu of Post-Closure Permit will be effective when the order is signed by all parties.

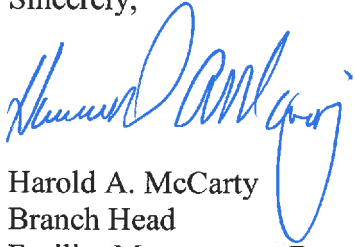
Please find enclosed three (3) originals of the Administrative Order in Lieu of Post-Closure Permit concerning the Former Schlage Lock Facility. Please have each original signed and returned to Rob McDaniel at the address below within three weeks of receipt of this letter. The agency will then sign each and return one original to you for your records.

Mr. Robert McDaniel
Hazardous Waste Section
1646 Mail Service Center
Raleigh, NC 27699 - 1646

Ms. Thomas
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November 10, 2016

If you have any questions, please contact Rob McDaniel at (919) 707-8215.

Sincerely,



Harold A. McCarty
Branch Head
Facility Management Branch
Hazardous Waste Section

Enclosure: Administrative Order in Lieu of Post-Closure Permit (three originals)

rc: Harold A. McCarty
Robert C. McDaniel

**North Carolina Department of Environmental Quality
Division of Waste Management**

Re:	Owner:)	Administrative Order
	Aspen Investments, Inc.)	in Lieu of Post-Closure Permit
	Post Office Box 250)	
	Middlesex, NC 27557)	
)	
	Operator:)	
	Schlage Lock Company LLC)	Docket Number: 2011 – 084
	11819 North Pennsylvania Street)	
	Carmel, IN 46032)	Revision November, 2016
)	
	EPA ID # NCD 065 300 519)	

ADMINISTRATIVE ORDER IN LIEU OF POST-CLOSURE PERMIT

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**North Carolina Department of Environmental Quality
Division of Waste Management**

Administrative Order in Lieu of Post-Closure Permit

Schlage Lock Company LLC (Schlage), Aspen Investments, Inc. (Aspen), and the North Carolina Department of Environmental Quality (Department or DEQ), Division of Waste Management (Division), acting through its Hazardous Waste Section (Section) (collectively the Parties) enter into this consensual Administrative Order in Lieu of Post-Closure Permit (Order) for the Facility identified and further described herein.

I. Statement of Purpose

- A. This Order concerns the application of the North Carolina Solid Waste Management Act (Act) contained in Chapter 130A of the North Carolina General Statutes (N.C.G.S.) and the rules promulgated thereunder and codified in Subchapter 13A of Title 15A of the North Carolina Administrative Code (State Hazardous Waste Rules), and the federal Resource Conservation Recovery Act (RCRA), 42 U.S.C. 6901 *et seq.*, to the Facility. The purpose of this Order is to provide an enforceable Order in lieu of a post-closure permit, including corrective actions to be taken, for the facility located at 3551 North Wesleyan Boulevard, Rocky Mount, North Carolina (Facility) in a manner that is consistent with State and federal laws and rules.
- B. The Parties stipulate the objectives for completion of the work for the Facility required by this Order are to: (1) identify all releases of hazardous waste, hazardous constituents, and petroleum constituents; (2) remove imminent threats to human health and the environment through source removal or treatment; (3) characterize the Facility's geologic and hydrogeologic conditions and determine the extent of contamination; (4) perform corrective action at the Facility, and beyond the Facility boundaries as necessary, to include, at a minimum, establishing remediation goals for the Facility and conducting remediation to meet those goals; (5) implement and maintain a groundwater comprehensive monitoring program until remediation is complete; (6) provide opportunities for public participation; and (7) provide financial assurance for assessment and remediation.
- C. This document constitutes an Order of the Secretary of the Department of Environmental Quality (Secretary) for the purposes of N.C.G.S. § 130A-18(a).
- D. Therefore, to further the public interest, the Parties agree to this Order.

II. Jurisdiction

- A. The Division has authority pursuant to N.C.G.S. § 130-290, *et seq.*, to require corrective action by owners and operators with respect to facilities at which hazardous wastes were generated and treatment, storage, or disposal has occurred.

- B. Although this Order requires corrective action mandated by 40 CFR 264.101 and 265.121, incorporated by reference in 15A NCAC 13A .0109(g) and .0110(g), Schlage and Aspen agree to issuance of this Order without a hearing and agree to comply with the terms of this Order. Schlage and Aspen further agree that they will not contest the Section's jurisdiction to issue the Order, to require compliance with the Order, to compel Compliance with the Order in any subsequent enforcement proceeding, either administrative or judicial, or to impose sanctions for any violation of the Order.

- C. Aspen and Schlage by entering into this Order or otherwise do not admit to any of the Section's Findings of Fact or Conclusions of Law stated in this document, nor of any violation or liability under any federal, state, or local laws, rules, or permits.

III. Section's Findings of Fact

A. Authority of the Hazardous Waste Section

1. The United States Environmental Protection Agency (EPA) has authorized North Carolina to operate the State RCRA Hazardous Waste Program in accordance with the Act and the State Hazardous Waste Rules.
2. The Department is authorized and required to enforce the laws and rules governing the management of solid waste, including hazardous waste. The Secretary has delegated this authority and responsibility to the Director of the Division. The Director has issued a sub-delegation of this authority and responsibility to the Chief of the Hazardous Waste Section, Julie S. Woosley.

B. Schlage and Aspen

1. Schlage was incorporated under the laws of Delaware, with corporate offices in Carmel, Indiana and Aspen was organized under the laws of North Carolina. These entities are authorized to do business in this State.
2. Former operations at the Facility included the manufacturing of locks from 1972 through 1988. The Facility was expanded in 1975 to include plating lines, and was further expanded in 1981 to add additional space and production capacity. The manufacturing processes at the Facility used chlorinated solvents, including perchloroethylene (PCE). Metals were used in the plating lines. In 1986, PCE and metals were detected in groundwater monitoring wells being operated on the Facility by Schlage.

C. Schlage and Aspen Corporate Information

1. The Facility was purchased by Schlage in 1971, had been previously used for farming, and was used by Schlage for the manufacturing of locks from 1972 through 1988. The Facility is approximately 49 acres in size. The Facility was sold in 1996 to the Fred Godley Management Company. In November 2002, the Fred Godley Management Company sold the Facility to Community Resource Exchange.
2. On June 13, 1990, the Ingersoll Rand Company (then the parent company to Schlage) signed an Administrative Order on Consent (Docket #89-092) (See Attachment 1) with the Division (1990 AOC) regarding the facility. The 1990 AOC required the Ingersoll Rand Company to delineate the extent of groundwater contamination, conduct a quarterly ground-water monitoring program, have a written closure and post-closure plan for the Facility, and submit a RCRA Part A Application.

3. Community Resource Exchange and the Department entered into a Brownfields Agreement in 2005 for the Facility to be used for office space, business space, and light industrial business space.
4. In 2007, the Community Resource Exchange sold the Facility to Belmont Commerce Park, LLC.
5. As of December 2013, Schlage is no longer a subsidiary or otherwise affiliated with the Ingersoll Rand Company.
6. On October 1, 2015, Aspen became the owner of the Facility.

D. Facility Information

1. The Facility is comprised of approximately 49.15 acres of land (see figures in Attachment 2). The Facility is bounded west by North Wesleyan Boulevard (also known as Highway 301) and on the north by State Road 1556. Beech Creek is located to the north of State Road 1556 and crosses Highway 301 to feed Belmont Lake, which is located west of Highway 301. The area around Belmont Lake is being developed as a residential community. Groundwater flow direction is generally to the north and west.
2. Former operations at the Facility included the manufacturing of locks from 1972 through 1988. The Facility was expanded in 1975 to include plating lines, and was further expanded in 1981 to add additional space and production capacity. The manufacturing processes at the Facility used chlorinated solvents including PCE. Metals were used in the plating lines. In 1986, PCE and metals were detected in groundwater monitoring wells being operated on the Facility by Schlage.
3. Manufacturing operations by Schlage ceased at the Facility in 1988.
4. The Vapor Degreaser Room Trench at the Facility was identified as the hazardous waste management unit and closure of that unit was completed in 1992. PCE was the primary constituent of concern in the soil and groundwater.
5. A groundwater remediation system was installed at the Facility in 1992 and has been in operation since that time with the exception of February 1997 through March 1998 when the system was undergoing modifications.
6. Between September 2005 and February 2008, the Ingersoll Rand Company conducted a pilot test and full scale treatment of the off-site portion of the groundwater PCE contamination plume using bioremediation. Specifically, Dehalococcoides bacteria and a nutrient substrate were introduced via injection to groundwater at the Facility. The bacteria were used to treat volatile organic compound (VOC) impacted groundwater. Off-site chlorinated compound

concentrations have been reduced to minor concentrations. Post injection groundwater monitoring is ongoing.

7. In 2005, an initial indoor air study at the Facility was conducted by Community Resource Exchange, which study confirmed a groundwater to indoor air pathway for VOCs. Additional vapor intrusion evaluations between 2008 and 2009 were conducted to refine the source of the impact.
 8. Due to soil vapor intrusion into the building, a Sub-Slab Vapor Depressurization System for the Facility was approved by the Department in December 2010. The Sub-Slab Vapor Depressurization System has been installed and is operational.
- E. In 1993, as required by the 1990 AOC, the Ingersoll Rand Company submitted to the Division a RCRA Facility Assessment (RFA). Thirteen SWMUs and four AOCs were identified. The RFA recommended further action for six SWMUs and three AOCs at the Facility. The RCRA regulated unit is the Vapor Degreaser Trench (SWMU 7) which was located in the vapor degreaser room. Closure certification for the Vapor Degreaser Trench was accepted by the Section on February 5, 1992.
- F. The current understanding of the Facility is based on the work and reports described above, including work reflected in the following reports and documents (collectively, the “Facility Environmental Work”):
1. Lake Study;
 2. Wenck Reports;
 3. Groundwater Remediation System;
 4. RFA;
 5. Post-Closure Plan;
 6. Post-Closure Permit Application;
 7. Remedial System Evaluation Report;
 8. Groundwater Monitoring Reports;
 9. Limited Vapor Intrusion Assessment; and
 10. In-Situ Bioremediation Progress Report.

G. At this time, the only contaminant pathways of concern at the Facility are groundwater to surface water and groundwater to indoor air.

IV. Section's Conclusions of Law and Determinations

Based upon the foregoing findings of fact and all other information available on the effective date of this Order, the Section concludes and determines that:

A. Definitions

1. "Hazardous wastes" shall mean those hazardous wastes defined in N.C.G.S. 130A-290(a)(8) and 40 CFR Part 261, adopted by reference in 15A NCAC 13A .0106(a) through .0106(e).
2. "Hazardous constituents" shall mean those constituents listed in Appendix VIII to 40 CFR Part 261, adopted by reference in 15A NCAC 13A .0106(e), or any constituent identified in Appendix IX to 40 CFR Part 264, adopted by reference in 15A NCAC 13A .0109(a), or under N.C.G.S. 130A-294.
3. "Landfill" shall have the meaning given in N.C.G.S. 130A-290(a)(16).
4. The term "Facility" shall have the meaning in 15A NCAC 13A .0102(b).
5. The terms "disposal" and "treatment" shall have the meanings given in N.C.G.S. 130A-290(a)(6) and (a)(42), respectively.
6. The term "Facility boundary" as used in this Order is the furthestmost extent of the property owned by Aspen located at 3551 North Wesleyan Boulevard, Rocky Mount, North Carolina. The exact dimensions of the Facility are indicated on the attached map. (See Attachment 2)
7. The term "Active Portion" shall have the meaning given in 40 CFR 260.10, adopted by reference in 15A NCAC .0102(b).
8. For the purposes of this Order, the term "Corrective Action" shall mean all activities, including activities conducted beyond the Facility boundary, that are proposed or implemented to facilitate assessment, monitoring, and active or passive remediation of releases of hazardous wastes or hazardous constituents to soil, groundwater, surface water, or the atmosphere associated with Hazardous Waste Management Units, SWMUs, and/or AOCs located at the Facility.
9. For the purposes of this Order, the term "Hazardous Waste Management Unit" (HWMU) includes any unit which has been used for the treatment, storage, or disposal of hazardous waste at any time.
10. For the purposes of this Order, the term "Solid Waste Management Unit" (SWMU) includes any unit which has been used for the treatment, storage, or disposal of solid waste at any time.

11. For the purposes of this Order, the term “Area of Concern” (AOC) includes any area having a probable release of a hazardous waste or hazardous constituent which is not from a solid waste management unit and is determined by the Department to pose a current or potential threat to human health or the environment. Such AOCs may require investigations and remedial action as required under Section 3005(c)(3) of RCRA and 40 CFR 270.32(b)(2) as adopted in 15A NCAC 13A .0113 to ensure adequate protection of human health and the environment.

B. Status of Schlage and Aspen

1. Schlage is a person as defined in N.C.G.S. 130A-290(a)(22).
2. Aspen is a person as defined in N.C.G.S. 130A-290(a)(22).
3. Schlage is an operator and Aspen is the owner of the Facility as those terms are defined in 40 CFR 260.10, as adopted by reference at 15 NCAC 13A .0102(b), and 40 CFR 270.2, adopted by reference at 15A NCAC 13A .0113(a). The Ingersoll Rand Company owned and operated the Facility at the time of the release(s) of hazardous waste. Community Resource Exchange purchased the Facility in 2002.
4. In 2007, the Community Resource Exchange sold the Facility to Belmont Commerce Park, LLC.
5. As of December 2013, Schlage is no longer a subsidiary of or otherwise affiliated with the Ingersoll Rand Company.
6. On October 1, 2015, Aspen became the owner of the Facility.
7. Aspen is listed on the most recent RCRA Part A Form as the owner of the Facility. Schlage is listed on the most recent RCRA Part A Form as an operator of the Facility.

C. Application of RCRA Standards

1. Pursuant to 40 CFR Part 261, Appendix VII, incorporated by reference in 15A NCAC 13A .0106(e), waste PCE is a listed hazardous waste assigned the EPA waste code of F001.
2. A “landfill” is also a “land disposal facility”; therefore, the owner and operator of a land disposal facility are subject to all the requirements for landfills set out in 40 CFR Part 265, Subparts G and H, adopted by reference in 15A NCAC 13A .0110(g) and (h).
3. Additionally, 40 CFR 270.1(c), adopted by reference in 15A NCAC 13A .0113(a), requires that owners and operators of landfills that certify closure after January 26,

1983 must have post-closure permits, unless they demonstrate closure by removal (i.e., clean closure). Based on the foregoing and pursuant to 40 CFR 270.1(c), incorporated by reference in 15A NCAC 13A .0113(a), Schlage as an operator of the Facility and Aspen as the owner of the Facility are required to have a post-closure permit for the Facility and agree to be bound by the requirements of this Order.

4. Pursuant to 40 CFR 265.121, incorporated by reference in 15A NCAC 13A .0110(g), owners and operators who are subject to the requirement to obtain a post-closure permit under 40 CFR 270.1(c), incorporated by reference in 15A NCAC 13A .0113(a), but who obtain enforceable documents in lieu of a post-closure permit, as provided under 40 CFR 270.1(c)(7), incorporated by reference in 15A NCAC 13A .0113(a), must comply with the following requirements:
 - a. The requirements to submit information about the Facility in 40 CFR 270.28, are incorporated by reference in 15A NCAC 13A .0113(b);
 - b. The requirements for Facility-wide corrective action in 40 CFR 264.101, are incorporated by reference in 15A NCAC 13A .0109(g);
 - c. The requirements of 40 CFR 264.91 through 264.100, are incorporated by reference in 15A NCAC 13A .0109(g).
5. The requirements for 40 CFR 270.28 have been complied with for the Facility.
6. As substantiated in the reports submitted by Ingersoll Rand Company referenced in Paragraph III.F., the Section has determined that the closed regulated unit, the Vapor Degreaser Trench, identified in the RFA as SWMU 7, is situated among one or more SWMUs and/or AOCs at the Facility. The Section has determined that a release has occurred at the Facility, and that both the regulated unit and one or more SWMUs and AOCs may have contributed to the release. Therefore, as provided in 40 CFR 264.90(f), incorporated by reference in 15A NCAC 13A .0109(g), the regulated unit is eligible to be remediated under the corrective action requirements of 40 CFR 264.101, incorporated by reference in 15A NCAC 13A .0109(g), and is not required to comply separately with the requirements of 40 CFR 264.91 through 264.100.
7.

Solid Waste Management Units and Areas of Concern
Identified at the Facility

SWMU 1	Fork Lift Maintenance Area Sump
SWMU 2	Pipe Chase in Imperial Line/10B Area
SWMU 3	Former Wastewater Treatment (DMP) Area
SWMU 4	Stripping Room
SWMU 5	NAPCO Plating Area

SWMU 6	Hand Plating Line Sump
SWMU 7	Vapor Degreaser Trench
SWMU 8	Former PCE Tank Outside Vapor Degreaser Room
SWMU 9	Contaminated Soil/Dry Well Outside Lacquer Room
SWMU 10	Filling Vault for PCE/Caustic Soda
SWMU 11	New Drum Storage Pad
SWMU 12	Old Drum Storage Area
SWMU 13	NPDES Discharge Ditch
AOC 1	Soil Contamination in Northern Parking Lot/Railroad
AOC 2	Soil Contamination Near Southeastern Parking Lot/Former Barrel Storage Area
AOC 3	Soil Contamination Under Building Addition, Northeastern Portion of Plant
AOC 4	Soil Contamination West of Highway 301, Northwest of Facility

8. The Section has determined that, as much as can be determined given the present understanding of the Facility and the existing contamination, Schlage and Aspen's compliance with the provisions of this Order related to groundwater monitoring and corrective action for releases to groundwater is deemed to be protective of human health and the environment, as required by 40 CFR 264.90(f), which is incorporated by reference in 15A NCAC 13A .0109(g). Additional monitoring and corrective action may be required for the Facility as a result of the additional characterization that shall be completed pursuant to this Order.
9. This Order is being issued at the discretion of the Chief of the Section in lieu of a post-closure permit, pursuant to N.C.G.S. Chapter 130A, Article 9; 40 CFR 270.1(c)(7), incorporated by reference in 15A NCAC 13A .0113(a); 40 CFR 265.121, incorporated by reference in 15A NCAC 13A .0110(g); and all applicable portions of 40 CFR Parts 124, 264, 265, and 270, incorporated by reference in 15A NCAC 13A .0105, .0109, .0110, and .0113.

D. Integration of Order

1. Unless specifically superseded by the terms of this Order, the requirements specified in the Post-Closure Plan and any current Section approved work orders remain in effect. With these specified, limited exceptions, this Order supersedes any other agreement, verbal or written, between the Parties that may have been entered into prior to the date of execution of this Order.

2. If any conflict exists between the specified methods of completing work pursuant to the documents referenced in Paragraph III.F. and this Order, the terms of this Order shall control.

E. Acceptance of Previous Work

1. The Section acknowledges that some of the tasks required by this Order may have been completed and that some of the information and data required by this Order may be available. This previous work may be used to meet the requirements of this Order.
2. All corrective action activities conducted under the 1991 Post-Closure Plan, as amended in January 1995 and May 2009, will be recognized by the Section, in the development and implementation of any further activities under this Order.

F. Responsibility Issues

1. Schlage and Aspen hereby accept full responsibility for satisfactory completion of all required tasks and activities in accordance with the terms and conditions of this Order and the further direction of the Section to achieve satisfactory completion of the corrective action required by this Order. Nothing herein prohibits Schlage and Aspen from working together to meet the requirements of this Order.

V. Scope of Work

- A. Schlage and Aspen agree to complete all of the remaining activities required in the Facility 1991 Post-Closure Plan, which was revised with the Section's approval in January 1995 and May 2009.
- B. If required in writing by the Section, Schlage and Aspen shall complete additional characterization activities, monitoring, and corrective action measures for the Facility as described herein. In conducting any such work, Schlage and Aspen shall prepare appropriate workplans and reports for the Section's approval.
- C. All actions required pursuant to this Order shall be in accordance with applicable local, state, and federal laws and regulations. Schlage and Aspen shall undertake corrective action activities for the Facility in accordance with the Act, the State Hazardous Waste Rules, and EPA and Department guidelines as appropriate and applicable at the time the work is undertaken.
- D. If documents submitted by or behalf of Schlage or Aspen to the Section include any work that would constitute the practice of engineering as defined by N.C.G.S. Chapter 89C, the signature and seal of a professional engineer is required. If documents submitted include any work that would constitute the practice of geology as defined by N.C.G.S. Chapter 89E, the signature and seal of a licensed geologist is required. If any work is to be done on a well that would constitute well contractor activities as defined in N.C.G.S. Chapter 87, a certified well contractor shall be employed to perform the work.
- E. Any standard, requirement, criteria, or limitation under an environmental law or facility siting law promulgated by North Carolina that is more stringent than any federal standard, requirement, criteria, or limitation with respect to any hazardous waste or constituent is applicable to the work to be done at this Facility; e.g., the groundwater standards promulgated at Title 15A North Carolina Administrative Code Subchapter 2L, shall apply to releases at the Facility and beyond the Facility boundary.
- F. Facility Site Conceptual Model (SCM)
 - 1. A Facility Site Conceptual Model (SCM) will be used as the foundation for current Facility characterization and remediation decision making by Schlage and Aspen and it shall include, at a minimum, the following:
 - a. the geologic/hydrogeologic conditions at the Facility;
 - b. the sources, types, and distribution of contaminants and any breakdown products;
 - c. a holistic overview of the sources contamination, including known or potential pathways of migration, and known or potential receptors;

- d. the actual extent of migration beyond the Facility boundary;
- e. possible environmental and human health risks.

The SCM(s) may include maps, cross-sections, flownets, narrative, data tables, groundwater flow models, contaminant transport models, and any other information needed to gain a full understanding of the Facility.

2. Schlage and Aspen shall submit an updated SCM within ninety (90) calendar days of receipt of a written request from the Section. Schlage and Aspen shall also submit a modified or updated SCM when either determines there is a need for a new SCM. Submissions of updated SCMs shall occur pursuant to this Paragraph until the Section determines (a) that corrective action for the Facility is completed or (b) that further updates of the SCM are no longer necessary. After review of the updated SCM, the Section shall notify Schlage and Aspen in writing that the SCM has been approved or that there are material deficiencies in the SCM. After receiving written notification from the Section of any material deficiencies in the SCM, Schlage and Aspen shall submit to the Section, within a mutually-agreed-to time period, information or material sufficient to correct such deficiencies.
3. The SCM shall be an adaptable model of the Facility that is used to develop hypotheses regarding the location and movement of contamination from the Facility and the potential impacts that may occur to human health and the environment. Schlage and Aspen shall use EPA and Division guidance documents appropriate and applicable at the time the work is undertaken in developing any updated SCM.
4. Using the SCM as a guide, Schlage and Aspen shall conduct such Facility investigations and assessments as deemed necessary for the development and implementation of a Facility-wide corrective measures program. The SCM shall guide corrective actions taken pursuant to this Order.
5. Additional Facility investigations required by this Order may include investigation and characterization of the sources, nature, extent, direction, rate, movement, and concentration of hazardous waste or hazardous constituents that have been or are likely to be released into the environment from the Facility, and the collection and analysis of relevant Facility hydrogeologic and chemical data.

G. Facility Characterization to be Performed

If required in writing by the Section, Schlage and Aspen shall complete additional investigation of the groundwater and continue to monitor the surface water quality and indoor air associated with the Facility. Specifically:

1. Groundwater characterization associated with the Facility is currently considered to be complete, however if additional groundwater contamination from the Facility

is discovered off-site, if required in writing by the Section, Schlage and Aspen must determine the nature and extent of the off-site contamination within the aquifer.

2. If any additional off-site contamination originating from the facility is discovered, if required in writing by the Section, Schlage and Aspen must endeavor to completely characterize the groundwater flow patterns associated with the Facility including any preferential flow pathways that might influence contaminant migration.
3. If required in writing by the Section, Schlage and Aspen shall perform any assessment required to determine the appropriate remedial measures to achieve site-specific clean-up goals for the Facility, or to perform interim measures toward site-specific clean-up goals.
4. [RESERVED]
5. [RESERVED]
6. If the use or configuration of the building at the Facility is modified (thereby changing the previously investigated exposure scenario of the indoor air pathway) prior to satisfaction of this Order pursuant to Paragraphs XIV.A-XIV.C., Schlage and Aspen shall conduct additional studies to evaluate the effect of contamination on indoor air quality. If these new studies indicate an exposure level that is unacceptable to the Section, Schlage and Aspen shall implement measures necessary to bring the indoor air quality within acceptable levels indicated in Department and EPA guidance for indoor air quality.

H. Facility Characterization Workplans Progress Reports

1. The Department recognizes that characterization of the Facility is substantially complete. If additional investigation is required to address gaps in the characterization of the Facility, within sixty (60) calendar days after receipt of written notification from the Section that additional Facility characterization is warranted, Schlage and Aspen shall submit a Facility characterization workplan based upon the SCM outlining the activities that shall be undertaken to address the items in Paragraphs V.F-V.G. The workplan shall include a schedule of implementation. The schedule of implementation shall include the submission of progress reports to the Section in accordance with Paragraph V.H.4.
2. The Section will either accept or provide comments to Schlage and Aspen on the proposed Facility characterization workplan. Within thirty (30) calendar days of receipt of written notice from the Section of any deficiency in the Facility

characterization workplan, Schlage and Aspen shall submit to the Section information or material sufficient to correct such deficiency. Schlage and Aspen shall implement the workplan within thirty (30) calendar days of receiving written concurrence from the Section.

3. If Schlage and Aspen determine that additional work is required to complete the Facility characterization after the completion of the work outlined in the workplan, then Schlage and Aspen shall perform those additional tasks according to a schedule mutually agreed upon by the Parties. Such work shall also conform to the requirements of this Order.
4. If required in writing by the Section, Schlage and Aspen shall submit semi-annual reports on the progress of the Facility characterization. These reports shall include:
 - a. A description of the portion of the Facility characterization completed;
 - b. Summaries of findings;
 - c. Summaries of any deviations from the approved Facility characterization workplan(s) during the reporting period;
 - d. Summaries of any significant contacts with local community public interest groups or state government which are directly related to the subject of this Order;
 - e. Summaries of any problems or potential problems encountered during the reporting period;
 - f. Actions taken to rectify problems;
 - g. Changes to relevant personnel;
 - h. Projected work for the next reporting period; and
 - i. Copies of laboratory/monitoring data including QA/QC data.

I. Facility Characterization Reports

1. If required in writing by the Section, Schlage and Aspen shall prepare and submit to the Section Draft and Final Facility Characterization Reports for the investigations conducted pursuant to the workplans and the work performed as part of the Facility investigation. Schlage and Aspen shall submit the Draft Facility Characterization Reports to the Section for review in accordance with the schedule in the approved Facility Characterization Workplan(s). Schlage and Aspen shall submit the Final Facility Characterization Report to the Section according to the schedule set out in the Section's written comments on the Draft Facility Characterization Report. Any Draft and Final Facility Characterization Reports shall include an analysis and summary of all required investigations of the HWMU, SWMUs and AOCs and the investigation results. The summary shall describe the type and extent of contamination associated with the Facility, including sources and migration pathways, and a description of actual or potential receptors. The Reports shall also

describe the extent of contamination in relation to background levels indicative of the area.

2. The Section shall review the Final Facility Characterization Report and provide written notification to Schlage and Aspen of the need for further investigative action and/or the need for a remediation program in accordance with 40 CFR 264.101, incorporated by reference in 15A NCAC 13A .0109(g). Schlage and Aspen shall prepare and implement any further investigative action required by the Section according to a schedule approved in writing by the Section. Remediation shall be conducted using the procedures specified in this Order.

J. Facility-Wide Monitoring Program

1. Schlage and Aspen shall continue to implement the existing program to monitor contamination in and around the Facility as described in the Post-Closure Plan modified on May 5, 2009, or shall implement a modified monitoring program, until such time as the Section determines remediation is complete. Any request to modify the existing monitoring program shall be made, approved, and implemented pursuant to Paragraphs V.J.3 through V.J.4.
2. Additional Facility characterization may require modifications to the existing monitoring program. If the Section determines the monitoring program or any aspect of the monitoring program is inadequate to monitor conditions at the Facility, then the Section shall notify Schlage and Aspen in writing. Within thirty (30) calendar days of receiving written notification from the Section, Schlage and Aspen shall develop and submit a modified monitoring program for the Facility.
3. If Schlage and Aspen seek to modify the existing monitoring program, then Schlage and Aspen shall submit to the Section a written explanation of the proposed modification. The proposed modification shall include an updated SCM.
4. The Section will timely approve, disapprove, or provide comments on any proposed modification to the monitoring program. Within thirty (30) calendar days of receiving written notice from the Section of any deficiency in a proposed modification to the monitoring program, Schlage and Aspen shall submit to the Section information or material sufficient to correct such deficiency. Schlage and Aspen shall implement the modified monitoring program within thirty (30) calendar days of receiving written approval from the Section.

K. Interim Measures

1. If, prior to implementation of a final remedy, the Section determines that there is a need to modify the existing interim remedial measures or to implement additional interim remedial measures, in order to minimize or prevent the further migration of contaminants at or from the Facility and to limit human and environmental exposure

to contaminants while long-term corrective action remedies are evaluated and implemented as necessary, then Schlage and Aspen shall prepare an Interim Measures Workplan (IM Workplan) and take any other appropriate measures as authorized and directed in writing by the Section.

2. The IM Workplan shall ensure that the proposed interim measures are designed to mitigate any current or potential threat(s) to human health or the environment and to be consistent with and integrated into any long-term corrective measures program at the Facility. The IM Workplan shall include a discussion of: (a) the objectives of the interim measures program; (b) the required Facility procedures for the implementation of any modification to the existing interim remedial measure or additional interim measures (including any designs, plans, or specifications); and (c) the schedule for the implementation of the modification to or addition of interim measures.
3. The IM Workplan shall be approved in writing by the Section prior to its implementation. If the Section disapproves the IM Workplan, the Section shall either (a) provide written notification to Schlage and Aspen of the IM Workplan's deficiencies and specify a reasonably achievable due date for the submission of a revised IM Workplan; (b) revise the IM Workplan and provide written notification to Schlage and Aspen of the revisions and the start date of the schedule within the approved IM Workplan; or (c) conditionally approve the IM Workplan and provide written notification to Schlage and Aspen of the conditions upon which interim measures shall be implemented. Schlage and Aspen shall implement any required modification to or addition of interim measures in accordance with the Section's written directions.
4. Schlage and Aspen shall give written notice to the Section as soon as possible of any proposed modification to the IM Workplan. Such modifications shall be implemented only with the Section's written approval and shall conform to the requirements of this Order.
5. If the time required for the completion of any modification to or addition of an interim measure associated with the Facility is more than one (1) year, Schlage and Aspen shall provide the Section with progress reports at intervals specified in the approved IM Workplan. The progress reports shall contain the following information at a minimum: (a) a description of the portion of the interim measures completed; (b) summaries of any deviations from the IM Workplan during the reporting period; (c) summaries of any problems or potential problems encountered during the interim period; (d) projected work for the next reporting period; and (e) copies of all laboratory/monitoring data generated during the reporting period.
6. Schlage and Aspen shall prepare and submit a final Interim Measures Report (IM Report) to the Section within ninety (90) calendar days of the completion of any

interim measure associated with the Facility. The IM Report shall contain the following information at a minimum: (a) a description of the interim measures that were implemented; (b) summaries of the results of such interim measures; (c) summaries of any problems encountered; (d) summaries of the accomplishments and effectiveness of interim measures; and (e) copies of all relevant laboratory/monitoring data.

L. Remedial Strategy

1. If requested in writing by the Section, Schlage and Aspen shall provide a remedial strategy that sets out a plan for developing and evaluating remedies for the impacted areas at the Facility and beyond the Facility boundary after considering: (a) the SCM; (b) contaminants of concern; (c) the nature and extent of contamination; (d) the rate of contaminant movement; (e) the amount of time required to remediate the Facility; (f) media and receptors impacted; and (g) other relevant information gathered during Facility characterization activities.
2. Schlage and Aspen shall also update an existing remedial strategy upon written request from the Section and at any other time Schlage and Aspen deem appropriate. Within sixty (60) calendar days of receiving written notice from the Section of any deficiency in a proposed remedial strategy, Schlage and Aspen shall submit to the Section information or material sufficient to correct such deficiency. When the Section determines that a remedial strategy has been amended appropriately, then the Section shall provide written notification to Schlage and Aspen of its approval.
3. A remedial strategy shall at all times be consistent with appropriate and applicable EPA guidance. A remedial strategy shall be designed to meet the remedial goals for the Facility. The Section's remedial goals for the Facility include protection of all receptors as well as unrestricted use for the soil and groundwater, as required by the standards in 15A NCAC Subchapter 2L. If Schlage and Aspen determine that alternate cleanup levels would be protective of human health and the environment, then such alternate levels shall be submitted to the Section for evaluation after Facility characterization is complete.
4. The Section expects Schlage and Aspen to consider and develop the remedial strategy in conjunction with the Facility characterization process; therefore, if revisions are needed, Schlage and Aspen shall submit the final remedial strategy at the same time that it submits the final Facility characterization report.

M. Remediation Program

1. A groundwater pump and treat remediation system has been in operation for the Facility since 1992. As of the effective date, there are twenty-four groundwater recovery wells in the contaminant plume associated with the Facility. A full-scale groundwater bioremediation program was initiated in June, 2007 in the offsite portion of the volatile organic contaminant plume on the west side of Highway 301.

The bioremediation system has been effective in reducing the concentration of VOCs in the off-site contaminant plume through reductive dechlorination. A Sub-Slab Vapor Depressurization System for the Facility was approved by the Department in December 2010. The Sub-Slab Vapor Depressurization System has been installed and is operational.

2. If needed, Schlage and Aspen shall submit a revised proposed final remediation program based upon the SCM within ninety (90) calendar days after receipt of written notification from the Section. The final remediation program shall include a summary of remedial options considered, an implementation schedule, a method of evaluating the effectiveness of the program, a method of determining when remediation is complete, and an estimate of the required duration of the remediation program to meet the remedial goals.
3. If warranted, thirty (30) calendar days after receipt of the Section's written determination that the additional Facility characterization described in Paragraphs V.F through V.I is complete, Schlage and Aspen shall submit to the Section a description of the remediation program designed to achieve the remedial goals. The description of the remediation program shall be based upon the information developed in the remedial strategy. The remediation program shall at all times be technically consistent with appropriate and applicable EPA and Division guidance on the development and use of remediation technologies.
4. Within thirty (30) calendar days of receiving the Section's written concurrence on the proposed final remediation program, Schlage and Aspen shall provide the Section with all information necessary for the Section to commence the public participation process as specified in Paragraphs XI.A-XI.B. Upon completion of the public participation process, the Section shall timely approve, approve with modification, or disapprove the remediation program.
5. Within sixty (60) calendar days after receipt of written approval of the final remediation program, Schlage and Aspen shall submit to the Section the specifications for the remediation program and shall begin implementation of the remediation program. The remediation shall not be deemed complete pursuant to Paragraphs XIV.A. through XIV.C. of this Order until the remedial goals have been met.
6. If the approved final remedy for the Facility includes institutional controls or other land use restrictions, Schlage and Aspen agree to bind all persons who, subsequent to the effective date of this Order, obtain any interest in the property to record such land use restrictions as shall be required by the Section. Any person who obtains an interest in any portion of the real property subject to this Order (see Attachment 2) shall be given notice of this Order, and the information contained in this Paragraph

shall be included in the deed or other instrument creating rights in the real property, which document shall be promptly recorded in the Nash County Courthouse.

VI. Data Quality Assurance and Quality Control

- A. Workplans shall contain quality assurance/quality control (QA/QC) and chain of custody procedures for all sampling, monitoring, and analytical activities. Schlage and Aspen shall document in the applicable report any deviations from the QA/QC and chain of custody procedures in approved workplans, including reasons for the deviations.

- B. To ensure that data of known and appropriate quality are obtained and are sufficient to support their intended use(s), Schlage and Aspen shall submit workplans and reports to the Section that include data quality objectives for each collection activity.

VII. Property Access and Sampling Access

- A. Schlage and Aspen will endeavor to ensure that the Section and its representatives, including contractors, have access at reasonable times to the Facility and to any other property where access is necessary to ensure performance of the activities required by this Order to review the progress of activities required by this Order, to conduct such tests as the Section deems necessary in connection with this Order, and to otherwise assess Schlage and Aspen's compliance with this Order.
- B. To assure access to property beyond the Facility boundary, Schlage and Aspen shall use reasonable efforts to obtain access agreements and/or easements from current owners of property impacted by contamination from the Facility as required by the Act and the State Hazardous Waste Rules.
- C. In the event that the access agreements and/or easements required by Paragraph VII.B. cannot be obtained by Schlage and Aspen reasonable efforts, Schlage and Aspen shall notify the Section and provide documentation regarding its efforts to obtain such agreements. If necessary, the Section may exercise its legal authority to assist Schlage and Aspen in obtaining access to properties beyond the Facility boundary.
- D. The Section or its representatives, at its own expense, may take split or duplicate samples of any samples collected by Schlage and Aspen, or any of the authorized representatives of Schlage and Aspen, pursuant to this Order. Schlage and Aspen or their authorized representatives shall notify the Section no less than ten (10) working days in advance of any field activities involving sampling. Schlage and Aspen may give verbal notification to the Section in this instance.
- E. Schlage and Aspen shall allow the Section or its representatives reasonable access to enter the Facility, at reasonable times, upon notice to Schlage and Aspen.
- F. All persons with access to the Facility pursuant to this Order shall comply with Facility-specific health and safety plans and any applicable Facility security procedures.
- G. Schlage and Aspen shall comply with the security requirements specified in 40 CFR 264.14, incorporated by reference in 15A NCAC 13A .0109(c), and consequently prevent or minimize the unknown or unauthorized entry of people, pets, or livestock onto the active portions of the Facility.
- H. Nothing in this Order shall limit any access rights the Section may have pursuant to law.

VIII. Data Collection/Document Availability/Reporting Requirements

- A. Schlage and Aspen shall, upon written request by the Section, furnish the Section with copies of records required by this Order, including copies of any daily reports, inspection reports, and laboratory/monitoring data.
- B. All data, factual information, and documents submitted to the Division by Schlage and Aspen pursuant to this Order shall be subject to public inspection. Schlage and Aspen shall not assert any confidentiality or privilege claim concerning any data gathered during any investigations or other actions required by this Order, including any hydrogeological or chemical data, any data submitted in support of a remedial proposal, or any other scientific or engineering data especially as regards an interim or final remedy. Except as specifically prohibited by this Paragraph, Schlage and Aspen may assert a claim of confidentiality as to any process, method, technique, or any description thereof that Schlage and Aspen claim constitutes proprietary or trade secret information developed by Schlage and Aspen or developed by their contractor(s). Except as specifically prohibited by this paragraph, Schlage and Aspen may assert business confidentiality claims, if applicable, at the time information is submitted for information provided in connection with this Order in accordance with 40 CFR 2.203(b), adopted by reference in 15A NCAC 13A .0104(c), Chapter 132 of the North Carolina General Statutes, N.C.G.S. 130A-304, or any other applicable State law. Any claim for confidentiality submitted pursuant to this Paragraph shall be subject to North Carolina's confidentiality determination procedures and, if determined to be confidential, afforded protection by the Section as provided by North Carolina law.
- C. Documents that are asserted to be attorney work product or subject to privilege under law shall not be subject to inspection or copying under this Order. Schlage and Aspen shall provide the Section with (1) an identification of the date, title and subject matter of each document for which a privilege is asserted; and (2) an explanation as to why the privilege is applicable to the document or portions thereof. Notwithstanding the foregoing provision, the Section may seek disclosure of such documents through a court of competent jurisdiction.
- D. Schlage and Aspen shall notify the Section in writing as soon as possible, and no later than fifteen (15) working days after Schlage and Aspen obtains knowledge, of any planned physical alterations or additions which may impact the HWMU, SWMUs, AOCs, or areas contaminated by releases from these units associated with the Facility.
- E. Schlage and Aspen shall report to the Section any situations at the Facility related to this Order that may endanger human health or the environment. These reports shall be communicated orally within 24 hours and submitted in writing within five (5) working days of when Schlage and Aspen becomes aware that the situation exists. Depending upon the circumstances, the Section may waive the five-day requirement and allow Schlage and Aspen to submit the written report within fifteen (15) working days.
- F. Schlage and Aspen shall submit a biennial report to the Section by March 1 of each even numbered year if required by 40 CFR 264.75, incorporated by reference in 15A NCAC 13A .0109(f). The biennial report shall be submitted on EPA Form 8700-13 A/B. The report

shall cover activities required by this Order during the previous calendar year. The certification submitted with the biennial report shall be signed by an authorized corporate officer of Schlage and Aspen.

- G. Schlage and Aspen shall preserve, for at least three (3) years after the termination of this Order, all records and documents in their possession or in the possession of their divisions, employees, agents, accountants, contractors, or attorneys that relate in any way to this Order. For any hazardous waste generated, Schlage and Aspen shall retain a copy of all notices, certifications, demonstrations, waste analysis data, and other documentation for at least five (5) years from the date the last waste was treated, stored, or disposed (either at the Facility or beyond the Facility) or until the Section determines corrective action is completed, whichever date is later.
- H. Notification and data collection/assessment requirements for newly identified SWMUs and AOCs.
1. Schlage and Aspen shall notify the Section in writing, within fifteen (15) calendar days of discovery, of any newly identified SWMU or AOC at the Facility. The notification shall include, at a minimum, the location of the SWMU or AOC and all available information pertaining to the nature of the release (e.g., media affected, hazardous constituents released, magnitude of release).
 2. Schlage and Aspen shall prepare and submit to the Section, within ninety (90) calendar days of written notification by the Section, a SWMU Assessment Report (SAR) for each newly identified SWMU or AOC at the Facility. At a minimum, the SAR shall provide the following information:
 - a. Location of unit on a topographic map of appropriate scale such as required under 40 CFR 270.14(b)(19), incorporated by reference in 15A NCAC 13A .0113(b).
 - b. Designation of type and function of unit.
 - c. General dimensions, capacities and structural description of unit (including any available plans/drawings).
 - d. Dates that the unit operated.
 - e. Specification of all wastes that have been managed at/in the unit to the extent available, including any available data on hazardous constituents in the waste.
 - f. All available information pertaining to any release of hazardous waste or hazardous constituents from such unit (to include groundwater data, soil analyses, air, and/or surface water data).
 3. Based on the data in the SAR, the Section shall determine the need for further investigations at the newly identified SWMU or AOC at the Facility. If the Section determines that further investigations are needed, the Section shall require in writing Schlage and Aspen to develop a plan for such investigations and to obtain Section approval before implementing the plan.

- I. Notification requirements and data collection/assessment for newly discovered releases at previously identified SWMUs and AOCs at the Facility.
 - 1. Schlage and Aspen shall notify the Section in writing of any newly discovered release(s) of hazardous waste or hazardous constituents identified during the course of groundwater monitoring, field investigations, environmental audits of previously known SWMUs or AOCs, or by other means, within fifteen (15) calendar days of discovery. This requirement also applies to newly discovered releases at known SWMUs and AOCs for which additional investigation was not previously required.
 - 2. If the Section determines that further investigation of the SWMUs or AOCs is needed, the Section shall require in writing Schlage and Aspen to develop a plan for such investigation and to obtain Section approval before implementing the plan.
- J. Schlage and Aspen shall furnish the Section with any relevant information they possess that may be used to determine whether cause exists to terminate or revise this Order.

IX. Inspection and Training Requirements

- A. Within sixty (60) calendar days of any approved revisions, Schlage and Aspen shall submit for Section approval a general inspection and maintenance schedule for the environmental monitoring and remedial action systems currently in use at the Facility. This plan shall be consistent with 40 CFR 264.15, incorporated by reference in 15A NCAC 13A .0109(c), and shall be updated as necessary to include additional or modified monitoring and remedial action systems required by this Order.

- B. Within sixty (60) calendar days of any approved revisions, Schlage and Aspen shall submit for Section approval a personnel training plan for employees and contractors involved with environmental monitoring and the remedial action system. The plan shall be consistent with 40 CFR 264.16, incorporated by reference in 15A NCAC 13A .0109(c). Training shall include instruction for emergency response, sampling, and operation and maintenance procedures. The personnel training plan shall be updated as necessary to incorporate additional or modified monitoring and remedial action systems required by this Order. Schlage and Aspen shall maintain copies of training documents and records according to the requirements of Paragraph VIII.G. of this Order.

X. Cost Estimate, Financial Assurance, and Adjustments

- A. In accordance with 40 CFR 265.121, incorporated by reference in 15A NCAC 13A .0110(g), Schlage and Aspen shall comply with the requirements listed in 40 CFR 264.100 and 264.101, incorporated by reference in 15A NCAC 13A .0109(g), for Facility corrective action as defined in Paragraph IV.A.8.
- B. [RESERVED]
- C. Subsequent cost estimates shall be prepared as described in 40 CFR 264.144(a), incorporated by reference in 15A NCAC 13A .0109(i), and shall be based on the most recently approved Remedial Strategy or Remediation Program. Additionally, the following requirements shall apply to the cost estimate:
 - 1. As described in 40 CFR 264.144(b), incorporated by reference in 15A NCAC 13A .0109(i), Schlage and Aspen shall adjust the cost estimate annually for inflation. The adjusted cost estimate shall be provided to the Section sixty (60) days prior to the anniversary date of the establishment of the financial assurance mechanism unless using a financial test or corporate guarantee, in which case the estimate shall be updated thirty (30) days after the close of Schlage's fiscal year.
 - 2. Schlage and Aspen shall, as described in 40 CFR 264.144(c), incorporated by reference in 15A NCAC 13A .0109(i), submit to the Section the cost adjustments for modifications to the Remedial Strategy described in Section V.L. or the Remediation Program described in Section V.M. within thirty (30) calendar days after receiving the Section's approval of the modification if the change increases the cost of corrective action.
- D. Schlage and Aspen shall maintain at the Facility a copy of the latest cost estimate as described in 40 CFR 264.144(d), incorporated by reference in 15A NCAC 13A .0109(h).
- E. Within sixty (60) days of the approval of the estimate provided in Paragraph X.C., Schlage and Aspen shall establish financial assurance for corrective action by use of one or more of the mechanisms described in 40 CFR 264.145, incorporated by reference in 15A NCAC 13A .0109(i). The amount of financial assurance to be established for corrective action shall be at least equal to the amount of the written cost estimate as provided in Paragraphs X.C. of this Order or for an amount agreed upon by the Department. Financial assurance established pursuant to this Paragraph shall be used solely for the purpose of conducting the activities required by this Order.
- F. Financial assurance mechanism(s) established by Schlage and Aspen to satisfy the financial requirements for corrective action for the Facility shall be worded as specified in 40 CFR 264.151, incorporated by reference in 15A NCAC 13A .0109(i), except that references to regulatory requirements for closure and/or post-closure care shall be replaced with the phrase closure, post-closure care, and/or corrective action.

- G. Schlage and Aspen may change the mechanism(s) used to demonstrate financial assurance for corrective action required by this Order at any time, with prior notice to the Section, provided the alternate mechanism(s) meets the requirements of this Order.
- H. Schlage and Aspen's failure to demonstrate their financial ability to complete the Facility characterization and remediation shall not excuse either company's independent obligation to perform the activities required by this Order.

XI. Public Participation

- A. The Section shall publish public notices and hold public hearings at the following times in accordance with 40 CFR 265.121, incorporated by reference in 15A NCAC 13A .0110(g):
1. Prior to the issuance of this Order;
 2. Upon development of the proposed remediation program, regarding the proposed preferred remedy and the assumptions upon which the remedy is based, in particular those related to land use and site characterization; and
 3. Upon completion of corrective action at the Facility or a portion of the Facility, but prior to the Section issuing a No Further Action determination for a portion of the Facility or an Acknowledgement of Termination pursuant to Paragraph XIV.C. of this Order.

When deemed necessary by the Section, additional public meetings will be held to address the public's concerns.

- B. Consistent with the intent of N.C.G.S. Chapter 150B, at any hearing required by Paragraph XI.A. of this Order, the Section shall receive oral and written comments from the public and shall also receive written comments submitted by Schlage and Aspen in response to the public comments. The Section shall consider all these comments in making its decisions regarding continuing characterization of the Facility, remedy selection, and completion of corrective action for the Facility or a portion of the Facility.

XII. Delay in Performance

As soon as Schlage and Aspen are aware of the potential for delay or actual delay in achieving the requirements of this Order, they shall submit to the Section written documentation stating the reasons for the delay or potential delay and the efforts made by Schlage and Aspen to avoid the delay or potential delay, as well as a time by which such work can be completed. The Section shall review the documentation and shall approve the new schedule if Schlage and Aspen show good cause for the potential delay or delay. Good cause may include, but is not limited to, extraordinary weather, natural disasters, and national emergencies, difficulties in obtaining offsite access, delays or difficulties in obtaining governmental approvals or permits, scheduling or availability issues with contractors, drillers or laboratories, equipment malfunctions, legal actions, or other significant events that operate to delay performance under the Order. The burden of demonstrating that there is good cause for the proposed or potential delay or actual delay rests solely with Schlage and Aspen.

XIII. Dispute Resolution

If Schlage and Aspen dispute any written decision of the Section made pursuant to this Order, and the matter cannot be resolved through less formal negotiations, Schlage and Aspen shall submit to the Section a written statement of the grounds for the dispute within thirty (30) days of being notified of such decision. Within a reasonable period following receipt of Schlage and Aspen statement of dispute, the Section shall issue a written decision on the disputed matter.

Within thirty (30) days of receiving the Section's written decision on the dispute, Schlage and Aspen shall provide a written statement as to whether they will abide by the Section's decision. In the event that Schlage and Aspen provide a statement that they will not abide by the Section's decision, or the statement to the effect that Schlage and Aspen will not abide by the Section's decision on the disputed matter, the Section shall have the right to deem the Order dissolved.

In the event that the Order is dissolved pursuant to the Dispute Resolution provision, the Section shall retain all its applicable enforcement rights against Schlage and Aspen, including calling for submittal of a RCRA application and financial assurance for a Post-Closure Permit and corrective action for the Facility. In such event, Schlage and Aspen shall retain any applicable defenses.

Schlage and Aspen invocation of the Dispute Resolution provision shall not alone excuse noncompliance with this Order or any requirement established pursuant thereto.

XIV. Satisfaction of Order

- A. When Schlage and Aspen determine all requirements of this Order have been completed, they shall (1) give written notice to the Section indicating the Work required by the Order has been completed; and (2) file a petition to terminate the Order. Schlage and Aspen may also petition the Section to issue a No Further Action determination for a portion of the Facility. After completion of the Public Participation process required by Paragraphs XI.A.-XI.B. of this Order, the Section shall either agree or disagree with Schlage and Aspen's Termination Petition or No Further Action Petition for a portion of the Facility.
- B. If the Section determines that the Work required by this Order has not been completed, the Section shall notify Schlage and Aspen in writing of activities that must be undertaken to complete the Work, including a schedule for the performance of such activities. Once these additional activities are completed, Schlage and Aspen may file another petition pursuant to Paragraph XIV.A.
- C. If, after completion of the Public Participation process required by Paragraphs XI.A.-XI.B., the Section concludes that the Work required by this Order has been satisfactorily performed, the Section shall memorialize its decision in a No Further Action Determination for a portion of the Facility or an Acknowledgment of Termination and Agreement on Record Preservation and Reservation of Rights. Except as specified below, all of Schlage and Aspen's obligations under this Order shall be deemed to be satisfied and terminated upon Schlage and Aspen's execution of the Acknowledgment issued by the Section. This notice shall not terminate Schlage and Aspen's obligation to comply with any continuing requirements hereunder, including but not limited to record preservation, reservation of rights, other claims, and indemnification of the State. Schlage and Aspen's execution of the Acknowledgment will affirm their or their successors or assigns, continuing obligation, including the maintenance of institutional controls or other long-term measures that are an integral part of the final remedy.

XV. Change of Ownership or Operational Control

- A. Schlage and Aspen shall notify the Section in writing ninety (90) calendar days prior to the date of any change in ownership or operational control of the property on which the Facility is located or any proposed change of ownership or operational control of the monitoring and remediation system associated with the Facility.
- B. This Order cannot be transferred to a new owner or operator; however a change in ownership/operator can be achieved through a Class 1 Permit Modification like procedure. The new owner/operator shall submit the Class 1 Permit Modification request 90 days prior to the change in owner or operator. The NCDEQ shall consider the modification and determine completeness. However, the NCDEQ may require a new order. The existing order shall remain in effect until a new order is issued, unless otherwise dissolved under Section XIII. Schlage and/or Aspen shall notify the proposed new owner or operator about this Order, the requirement for modification of the Order upon ownership change, and the new owner or operator's responsibility to file a RCRA Part A permit application. Schlage and Aspen shall provide evidence to the Section of the notification to the proposed new owner or operator pursuant to this Paragraph. This evidence shall describe how Schlage and Aspen have explained that, after the transfer in ownership or operation, the new owner or operator will be responsible for implementing and maintaining all institutional controls required for the Facility, now or in the future. Additionally, Schlage and Aspen shall (1) assure the instrument effecting the conveyance or transfer of real or personal property interest contains a copy of this Order; and (2) use reasonable efforts to obtain access agreements to meet the requirements of Paragraph VII.A. from the party obtaining ownership or control of the facility or portion of the facility.
- C. In the event of change in ownership of the Facility, whether or not pursuant to a Brownfields Agreement, the Section shall retain all its applicable enforcement rights against Schlage and Aspen, including calling for submission of a RCRA permit application and financial assurance for a post-closure permit and corrective action.
- D. No change in corporate ownership or corporate status will alter Schlage and Aspen's obligations under this Order or excuse Schlage and Aspen's noncompliance with this Order or any requirement established pursuant thereto.
- E. No conveyance of title, easement, or other interest in the Facility, or a portion of the Facility, or the monitoring or remediation system will affect Schlage and Aspen's obligations under this Order. This paragraph will not apply if the Parties agree pursuant to Paragraph XIV.C. that this Order has terminated as to the Facility. This Paragraph will not apply to any portion of the Facility for which the Section has issued a no further action determination (e.g., clean-closed areas).

XVI. Decisions/Notifications

A. All approvals by and decisions of the Section shall be communicated in writing to Schlage and Aspen by the Chief of the Hazardous Waste Section or her designee. No informal advice, guidance, suggestions, or comments by the Section regarding reports, plans, specifications, schedules or any other matter will relieve Schlage and Aspen of its obligation to obtain formal approvals as required by this Order.

B. All documents and notices required to be submitted by Schlage and Aspen to the Section pursuant to this Order shall be sent to:

Julie S. Woosley, Chief
Hazardous Waste Section
Division of Waste Management
N. C. Dept. of Environmental Quality
1646 Mail Service Center
Raleigh, NC 27699 - 1646

C. Unless otherwise agreed to by Schlage and Aspen, the Section shall direct all correspondence related to this Order to:

Jeffrey Braun
Senior Vice President and General Counsel
Schlage Lock Company LLC
11819 North Pennsylvania Street
Carmel, IN 46032

William A. Fassnacht
Chief Operating Officer
Aspen Investments, Inc.
P.O. Box 250
Middlesex, NC 27557

XVII. Notice of Non-Liability of the State

- A. The State, its agencies, employees and other representatives shall not be deemed a party to any contract involving Schlage and Aspen and relating to activities at the Facility and shall not be liable for any claim or cause of action arising from or on account of any act or omission of Schlage and Aspen, their officers, employees, contractors, receivers, trustees, agents, assigns, or other representatives in carrying out the activities required by this Order.

- B. The State, its agencies, employees and other representatives shall not be liable for any injuries or damages to persons or property resulting from the acts or omissions of Schlage and Aspen, their officers, employees, contractors, receivers, trustees, agents, assigns, or other representatives caused by implementation of this Order or otherwise.

XVIII. Reservation of Rights

- A. The Section hereby reserves all of its statutory and regulatory powers, authorities, rights and remedies, both legal and equitable, including any which may pertain to Schlage and Aspen's failure to comply with any of the requirements of this Order. This Order shall not be construed as a covenant not to sue, or as a release, waiver or limitation of any rights, remedies, powers and/or authorities, civil or criminal, which the Section has under RCRA or any other statutory, regulatory, or common law authority.
- B. Schlage's and Aspen's compliance with the terms of this Order shall not relieve Schlage and Aspen of any obligation to comply with any other applicable local, State, or federal laws and regulations. Similarly, this Order does not relieve Schlage and Aspen of any obligation to obtain and comply with any applicable local, State, or federal permit or approval.
- C. The issuance of this Order and Schlage and Aspen's agreement to comply shall not limit or otherwise preclude the Section from taking additional enforcement action pursuant to RCRA, the North Carolina General Statutes, or any other authority should the Section determine that such action is warranted. Schlage and Aspen reserve all rights, defenses and claims that may arise in the event that the State elects to pursue any additional enforcement action against Schlage and Aspen.
- D. The Section expressly reserves all rights and defenses that it may have, including the right to disapprove of work performed by Schlage and Aspen pursuant to this Order, to require that Schlage and Aspen correct any work performed despite disapproval by the Section, and to require that Schlage and Aspen perform tasks in addition to those specifically stated in this Order.
- E. Notwithstanding compliance with the terms of this Order, Schlage and Aspen are not released from liability, if any, for the costs of any response actions taken by the Section. The Section reserves the right to seek reimbursement from Schlage and Aspen for costs incurred by the Section in connection with any response action the Section undertakes or any costs incurred by the Section in overseeing implementation of this Order, including enforcement costs.
- F. Pursuant to N.C.G.S. § 130A-18, and irrespective of all other remedies at law, the Section reserves its right to file an action for injunctive relief in the Superior Court of Nash County to enjoin any threatened or continuing violation of the requirements of this Order or the statutes or rules cited therein, including but not limited to the requirements for corrective action, or to impose any emergency response measures deemed necessary to protect human health and the environment.
- G. The Section may impose an administrative penalty on Schlage and Aspen for violating the requirements of this Order or the statutes or rules cited therein. The assessment of an administrative penalty pursuant to N.C.G.S. 130A-22 will confer on Schlage and Aspen all rights under Chapter 150B of the North Carolina General Statutes to contest the Section's decision to impose an administrative penalty, but not to contest the validity or enforceability

of this Order, in so far as Schlage and Aspen have both stipulated to the Section's jurisdiction and have waived their rights to contest the Section's enforcement of the Order pursuant to Paragraph II.B.

- H. The Section may determine that acts or circumstances, whether or not directly related to this Order, may endanger human health, welfare, or the environment and may order Schlage and Aspen to stop further implementation of this Order, either temporarily or permanently, until the endangerment is abated. The State may also, for any other reason permitted by law, order Schlage and Aspen to cease activities at the Facility.
- I. Nothing in this Order shall be construed as limiting the Section in performing its duty to protect the public health and the environment of the State as required by law. The State may order or independently initiate any response action it deems necessary to protect public health, welfare, or the environment.

XIX. Other Claims

- A. Nothing in this Order shall constitute or be construed as a release from any claim, cause of action or demand in law or equity against any person, firm, partnership, corporation, or other entity for any liability it may have arising out of or relating in any way to the generation, storage, treatment, handling, transportation, release, or disposal of any hazardous wastes or hazardous constituents found at, taken to, or taken from the Facility.

- B. Nothing herein shall constitute a satisfaction of, or release from, liability for any claim arising as a result of operation, ownership or use of the Facility by Schlage and Aspen, their agent(s), contractors, lessees, successors, or assigns.

XX. Indemnification of the State of North Carolina

Schlage and Aspen stipulate that they will indemnify, save and hold harmless the State, its agencies, departments, agents, and employees, from all claims or causes of action arising from or on account of acts or omissions of Schlage and Aspen or their officers, employees, agents, independent contractors, receivers, trustees, and assigns in carrying out activities required by this Order. This indemnification will not affect or limit the rights or obligations of Schlage and Aspen or the State under their various contracts. This indemnification will not create any obligation on the part of Schlage and Aspen to indemnify the State from claims arising from the acts or omissions of the State.

XXI. Additional Provisions

- A. This Order may only be modified in writing. The Order shall remain in effect as written until such time as the Parties have executed a written amendment to the Order or until such time as the Section deems the Order satisfied pursuant to the provisions of Paragraph XIV.C.
- B. The signatory for each Party certifies that he or she is fully authorized to execute, and legally bind such Party to, this document.
- C. The annual activity fee specified in N.C.G.S. 130A-294.1 shall be paid to the Division by Schlage and Aspen.
- D. If any judicial authority holds any provision of this Order to be invalid, the remaining provisions shall remain in force and shall not be affected.
- E. Except as otherwise provided in this Order, the Parties shall bear their own costs and attorney's fees.
- F. A table summarizing the Work required by this Order can be found in Attachment 3.
- G. This Order is effective on the date that the Section signs the Order.

FOR THE NORTH CAROLINA DEPARTMENT
OF ENVIRONMENTAL QUALITY

Julie S. Woosley, Chief
Hazardous Waste Section
Division of Waste Management

date signed

FOR ASPEN INVESTMENTS, INC.

William A. Fassnacht
Chief Operating Officer
Aspen Investments, Inc.

date signed

FOR SCHLAGE LOCK COMPANY LLC

Jeffrey Braun
Senior Vice President and General Counsel
Schlage Lock Company LLC

date signed

ATTACHMENT 1

**FORMER SCHLAGE LOCK FACILITY
ADMINISTRATIVE ORDER ON CONSENT
DOCKET # 89 – 092**

Schlage Lock (6)
NCD 065300519

North Carolina Department of Environment, Health,
and Natural Resources
Solid Waste Management Division
Hazardous Waste Section

In Re: Ingersoll-Rand Company) ADMINISTRATIVE ORDER
NCD065300519) ON CONSENT
) Docket # 89-092

In order to resolve a dispute and to avoid protracted litigation, Ingersoll-Rand Company and the Department of Environment, Health, and Natural Resources of the State of North Carolina, acting through its Solid Waste Mangement Division (Division), enter into this Administrative Order on Consent (Order).

The purpose of this Order is to address conditions in and around the site located in Nash County, North Carolina (the Site), in a manner which is consistent with the State and Federal hazardous waste laws and rules. This dispute is regarding the application of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. 6901 *et seq.*, and the Solid Waste Management Act contained in Chapter 130A of the General Statutes ("Act") and the rules promulgated thereunder and codified in Subchapter 10F of Title 10 of the North Carolina Administrative Code, 10 NCAC 10F (the "rules").

Therefore, in order to further the public interest, Ingersoll-Rand Company and the Section do enter into the following Consent Order:

STIPULATIONS AND FINDINGS OF FACT

1. The Solid Waste Management Division (Division), Department of Environment, Health, and Natural Resources of the State of North Carolina (State) is empowered to implement and compel compliance with the standards for generation, transportation, treatment, storage and disposal of waste pursuant to the Solid Waste Management Act ("Act"), and the rules promulgated under 40 CFR 260-271, codified at 10 NCAC 10F ("rules"). Mr. William Meyer, Division Director, has been delegated those responsibilities.
2. On December 18, 1980, the Division was authorized to operate the State RCRA Hazardous Waste Program under the Solid Waste Management Act, N.C.G.S. 130A, Article 9, and rules codified at 10 NCAC 10F.
3. Ingersoll-Rand Company is a New Jersey company which owns Schlage Lock Company. The Site is located on Wesleyan Road in Rocky Mount, Nash County, North Carolina. Ingersoll-Rand Company is a person as defined in N.C.G.S. 130A-290(12) and 10 NCAC 10F .0002.
4. Ingersoll-Rand Company, by entering into this Administrative Order on Consent, does not admit any violation of the North

Carolina Solid Waste Management Act, the Resource Conservation and Recovery Act, or any federal or state law.

5. 40 CFR 265, codified at 10 NCAC 10F .0033, contains standards and requirements applicable to owners and/or operators of hazardous waste management facilities which have achieved interim status, and to those owners and operators of facilities in existence on November 19, 1980, who have failed to provide timely notification as required by Section 3010(a) of RCRA and or failed to file Part A of the permit application.
6. Until closure in mid-1988, activities at the Schlage Lock Company's site in Rocky Mount consisted of office, warehouse, and manufacturing lock parts. Manufacturing included polishing, vapor degreasing, electroplating, lacquering and assembling. Process materials include lacquer and lacquer thinners, tetrachloroethylene, plating solutions, acids and alkalies.

During the period of May 1988, through January 1989, Ingersoll-Rand Company authorized Capsule Environmental Engineering, Inc. to conduct an environmental and hydrological evaluation of the site. Soil samples were collected from below the concrete floor supporting the vapor degreaser inside the plant and from an area immediately outside the plant adjacent to the vapor degreaser area. The samples were analyzed for volatile organic compounds and revealed the presence of tetrachloroethylene.

Tetrachloroethylene contamination in soils at the site constitutes disposal of listed hazardous wastes and hazardous waste constituents, as defined by 40 CFR 260.10, codified at 10 NCAC 10F .0002 and 40 CFR 261, codified at 10 NCAC 10F .0029.

7. The Division has jurisdiction under RCRA, the Act and Rules to require corrective action to address the hazardous waste constituents in the soils and groundwater at the Site.

Order

William Meyer has determined that this Order is in the furtherance of the public interest and with the consent and cooperation of Ingersoll-Rand Company hereby orders the following action:

1. The provisions of this Administrative Order on Consent shall henceforth govern the actions of Ingersoll-Rand Company at the Site.
2. Comply with 10 NCAC 10F .0032. Ingersoll-Rand Company, shall not treat, store, or dispose of hazardous waste except in compliance with the standards set forth in this rule, and only after having received a permit from the Section as required by 10 NCAC 10F .0034(b)(1), or having received interim status according to 10 NCAC 10F .0034(b)(3).

.0034(b)(1), or having received interim status according to 10 NCAC 10F .0034(b)(3).

3. Comply with 40 CFR 265.90-265.94, codified at 10 NCAC 10F .0033. Within thirty (30) calendar days of the effective date of this Order, Ingersoll Rand Company shall submit the following items.
 - A. a report describing the extent of the contaminant plume using site specific ground water quality data. This report shall include a narrative on the site hydrogeology and the contaminant plume, a flow net, and isopleth maps showing the concentration and extent of ground water contamination in cross section and plan view.
 - B. an assessment plan that describes the steps to be taken to complete the ground water assessment and specify the following items:
 - the number, location and depth of wells;
 - a quarterly ground water monitoring schedule;
 - evaluation procedures, including any use of previously gathered ground water quality data; and
 - a schedule of implementation.
 - C. a ground water sampling and analysis plan that describes the procedures to be utilized in the sampling of ground water quality monitoring wells (a guidance document is enclosed to assist you in this effort);
 - D. a schedule for the collection, at least quarterly, and analyses of ground water samples. The analysis of ground water samples shall be performed for the following parameters:

arsenic, barium, cadmium, chromium, fluoride, lead, mercury, copper, nickel, nitrate, selenium, silver, chloride, iron, manganese, phenols, sodium, sulfate, pH, specific conductance, volatile and semi-volatile organic analyses (EPA publication SW 846, methods 8240 and 8270).
- Note: This parameter list may be modified subject to approval by the Division after two quarterly sampling events.
4. Within thirty (30) calendar days of the effective date of this Order Ingersoll-Rand Company shall:
 - A. initiate a quarterly ground water monitoring program. Ingersoll-Rand Company shall confirm with this office the first sample collection date five (5) working days prior to the sampling event. Analysis results must be submitted to this office within sixty (60) days of sample collection and must specify collection date, well number,

and parameter list with corresponding concentrations or values.

- B. initiate a ground water assessment plan that includes the items described in 3.B above.
5. Comply with 40 CFR 265.112(a) codified at 10 NCAC 10F .0033. Within forty-five (45) calendar days of the effective date of this Order, Ingersoll-Rand Company, shall have a written closure plan and shall submit this plan to the Section for approval. Ingersoll-Rand Company, shall keep a copy of the closure plan and all revisions to the plan at the facility until closure is completed and certified in accordance with Section 265.115. This plan must identify the steps necessary to completely close the facility. The closure plan must include, at least:
- A. A description of how each hazardous waste management unit at the facility will be closed in accordance with Section 265.111; and
 - B. A description of how final closure of the facility will be conducted in accordance with Section 265.111; and
 - C. An estimate of the maximum inventory of hazardous wastes ever on-site over the active life of the facility and a detailed description of the methods to be used during closure, including, but not limited to methods for removing, transporting, treating, storing or disposing of all hazardous waste, identification of and the type(s) of off-site hazardous waste management unit(s) to be used, if applicable; and
 - D. A detailed description of the steps needed to remove or decontaminate all hazardous waste residues and contaminated containment system components, equipment, structures, and soils during closure including, but not limited to, procedures for cleaning equipment and removing contaminated soils, methods for sampling and testing surrounding soils, and criteria for determining the extent of decontamination necessary to satisfy the closure performance standard; and
 - E. A detailed description of other activities necessary during the closure period to ensure that closure satisfies the closure performance standards, including, but not limited to, ground water monitoring, leachate collection, and run-on and run-off control; and
 - F. A schedule for closure of the site. The schedule must include, at a minimum, the total time required to close and the time required for intervening closure activities which will allow tracking of the progress of closure. (For example, in the case of a landfill unit, estimates of the time required to treat or dispose of all hazardous waste

inventory and of the time required to place a final cover must be included.)

6. Comply with 40 CFR 265.118(a) codified at 10 NCAC 10F .0033. Within forty-five (45) calendar days of the effective date this Order, Ingersoll-Rand Company, shall have a written post-closure plan which meets the requirements of paragraph (c) of section 265.118 and shall submit this plan to the Section for approval.
7. Comply with 40 CFR 265.142(a), codified at 10 NCAC 10F .0033, by including in the closure plan submitted to this office a complete itemized closure cost estimate.
8. Comply with 40 CFR 265.144(a), codified at 10 NCAC 10F .0033, by including in the above post-closure plan submitted to this office a complete itemized post-closure cost estimate.
9. Comply with 40 CFR 265.143, codified at 10 NCAC 10F .0033, and 265.145 codified at 10 NCAC 10F .0033. Ingersoll-Rand Company, shall, within sixty (60) calendar days from submittal of the closure and post-closure plan, demonstrate financial assurance for closure and/or post-closure. Should Ingersoll-Rand Company, fail to complete closure within one hundred and eighty (180) days of approval by the Section of its closure plan, Ingersoll-Rand Company, shall, at that time, immediately demonstrate liability coverage in accordance with 40 CFR 265.147, codified at 10 NCAC 10F .0033(h).
10. As required by 40 CFR 265.112(d), codified at 10 NCAC 10F .0033, upon receipt of the closure plan, this office will publish a public notice and provide a 30-day comment period for the plan. Concurrently, this office will review the plan and at the conclusion of the comment period, will either approve the plan or request modifications. If necessary, Ingersoll-Rand Company, shall make modifications or submit a new plan within 30 days. If the Division determines that the response is inadequate, it will modify the plan and that will be the approved closure plan which Ingersoll-Rand Company, shall implement.
11. Comply with 40 CFR 265.113(b), codified at 10 NCAC 10F .0033. Ingersoll-Rand Company, shall complete closure activities within one hundred and eighty (180) days of approval of the closure plan.
12. Comply with 40 CFR 265.114, codified at 10 NCAC 10F .0033. Ingersoll-Rand Company, shall, prior to completion of closure, dispose of or decontaminate all equipment and structures properly.
13. Comply with 270.10(a) codified at 10 NCAC 10F .0034. Within thirty (30) calendar days of the effective date of this Order, Ingersoll-Rand Company, shall complete, sign, and submit a Part A application for post-closure permit activities to the Section as described in this section and Sections 270.70 through 270.73.

Delay in Performance

If any event occurs which causes delay in the achievement of the requirements of this Consent Order, Ingersoll-Rand Company, shall have the burden of proving that the delay was caused by circumstances beyond the reasonable control of Ingersoll-Rand Company, which could not have been overcome by due diligence. Ingersoll-Rand Company, shall promptly notify the Division's Primary Contact orally and shall within seven (7) calendar days of oral notification to the Division notify the Division in writing of the anticipated length and cause of the delay, and the timetable by which Ingersoll-Rand Company intends to implement these measures. If the parties can agree that the delay has been or will be caused by circumstances beyond the reasonable control of Ingersoll-Rand Company, the time for performance hereunder shall be extended for a period equal to the delay resulting from such circumstances.

Ingersoll-Rand Company, shall adopt all reasonable measures to avoid or minimize delay. Failure of Ingersoll-Rand Company, to comply with the notice requirements of this paragraph shall render this paragraph void and constitute a waiver of Ingersoll-Rand Company,'s rights to request a waiver of the requirements of this Consent Order. Increased costs of performance of the terms of this Consent Order or changed economic circumstances shall not be considered circumstances beyond the control of Ingersoll-Rand Company. In the event that the Division and Ingersoll-Rand Company, cannot agree that any delay in the achievement of the requirements of this Consent Order, including the failure to submit any report or document, has been or will be caused by circumstances beyond the reasonable control of Ingersoll-Rand Company, the dispute shall be resolved in accordance with the provision of the "Dispute Resolution" Section of this Consent Order.

POTENTIAL CONSEQUENCES OF FAILURE TO COMPLY

Ingersoll-Rand Company, is hereby advised that pursuant to N.C.G.S. 130A-22, that each day it fails to achieve the requirements in the above paragraph, or otherwise be in violation of any requirement of the Act or the Rules, or the terms of this Administrative Order on Consent, constitutes a separate violation for which a penalty of up to \$25,000.00 per day may be imposed. If the violation(s) continues, Ingersoll-Rand Company, may be subject to further enforcement including injunction from any further generation of hazardous waste and such further relief as may be necessary to achieve compliance with the North Carolina Solid Waste Management Act and Rules.

The penalties set forth in this Section do not preclude the Division from electing to pursue any other remedies or sanctions, which may be available to the Division by reason of Ingersoll-Rand Company's, failure to comply with any of the requirements of this Consent Order.

Payment of any amount provided for in this section shall not relieve Ingersoll-Rand Company from complying with any requirement of this Order or any obligation imposed by law.

DISPUTE RESOLUTION

If Ingersoll-Rand Company, objects to any Division notice of disapproval or decision made pursuant to this Consent Order, Ingersoll-Rand Company, shall notify the Division in writing of its objections within fourteen (14) calendar days of receipt of the decision. The Division and Ingersoll-Rand Company, then have an additional fourteen (14) calendar days from receipt by the Division of the notification of objection to reach agreement. If agreement cannot be reached on any issue within this fourteen (14) calendar day period, the Division shall immediately provide a written statement of its decision to Ingersoll-Rand Company. If Ingersoll-Rand Company cannot abide by the Division decision, the Order shall be terminated and the Division shall pursue all enforcement activities it deems necessary.

OPPORTUNITY TO REQUEST A HEARING

Ingersoll-Rand Company, has the right to request an administrative hearing to contest any matter of law, material fact, or requirement which the Division and Ingersoll-Rand Company have not been able to reconcile under the Dispute Resolution Section of this Administrative Order on Consent which resulted in the imposition of a penalty. To avoid being in default, and in accordance with 10 NCAC 10G .0704, a written petition must be submitted within 30 days of receipt of the written statement of the Division's decision under the Dispute Resolution Section.

The petition shall be verified or supported by affidavit and shall state facts tending to establish that the agency has deprived Ingersoll-Rand Company of property or has otherwise substantially prejudiced Ingersoll-Rand Company's, rights and that the Section:

1. exceeded its authority or jurisdiction;
2. acted erroneously;
3. failed to use proper procedure;
4. acted arbitrarily or capriciously; or
5. failed to act as required by law or rule.

The petition must be filed with the Office of Administrative Hearings, P. O. Drawer 11666, Raleigh, North Carolina 27604, in accordance with N.C.G.S. 150B-23(a). A copy of the petition must be served to John Hunter, Process Agent, Department of Environment, Health and Natural Resources, 512 N. Salisbury Street, Raleigh, North Carolina 27611. Requested administrative hearings will be conducted in accordance with applicable rules contained in the North Carolina Administrative Code, a copy of which will be furnished to you upon request.

This Order is hereby entered into on the 13th day of June, 1990.

SOLID WASTE MANAGEMENT DIVISION
NORTH CAROLINA DEPARTMENT OF ENVIRONMENT, HEALTH,
AND NATURAL RESOURCES

By: William J Meyer
William Meyer, Division Director
Solid Waste Management Division

INGERSOLL-RAND COMPANY
By: John Nachtigal

Schlage.3

ATTACHMENT 2
FORMER SCHLAGE LOCK FACILITY
PROPERTY MAP

Book K. 36 Page 381

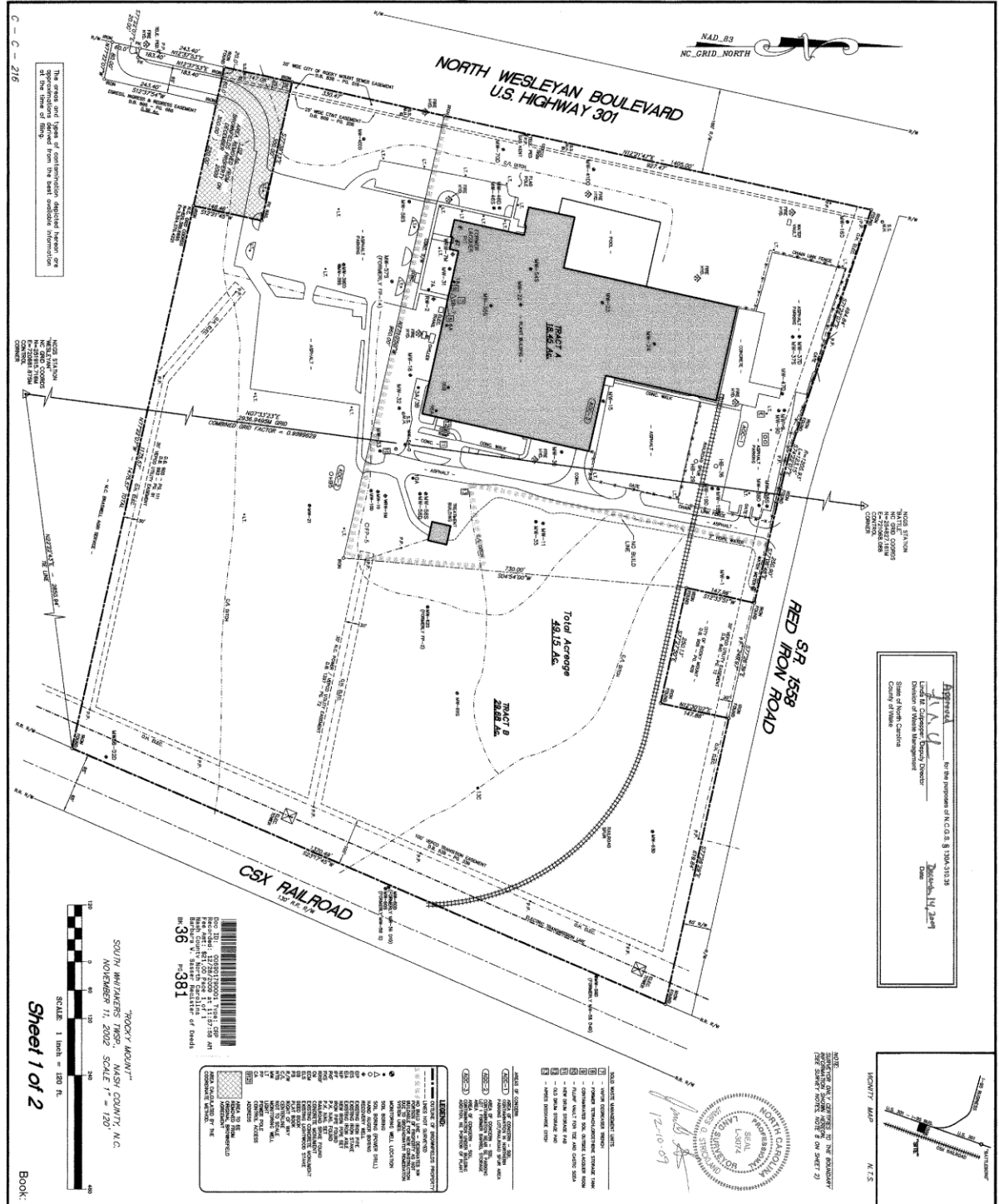


EXHIBIT B of the Notice of the Brownfields Property - Survey Plot
 Property of the Community Resource Exchange
 (Owner and Prospective Developer)
 3851 N. Wesleyan Blvd
 ROCKY MOUNT, NORTH CAROLINA

SCALE: 1 inch = 120 ft.
 Sheet 1 of 2
 Book 36 Page 381

CAD FILE	PROJECT NO.	PREP. BY	REV. BY	SCALE	DATE	REVISED DATE
80Q/210-BROWNFIELD	4002	DAJ	DAJ	1" = 120'	12-13-2004	09-19-05

ENRISCO, INC.
 ENVIRONMENTAL SERVICES
 P.O. Box 548 919-570-0186 - Office
 Wake Forest, N.C. 27588 919-417-0627 - Mobile
 E-mail - enriscinc@aol.com

Chamblee & Strickland
 Land Surveying
 123 West Washington Street
 Nashville, North Carolina 27056
 TELEPHONE (252) 459-3848
 FAX (252) 459-1889

REVISIONS:
 REVISION 11-11-09
 REVISION 11-4-09
 REVISION 10-28-09
 REVISION 12-22-08
 REVISION 12-19-05
 REVISION 10-08-05
 REVISION 9-27-05



Note: Source of 2010 Aerial Photography:
 NC Dept. of Agriculture & Consumer Services



SITE PLAN WITH SOLID WASTE MANAGEMENT UNITS AND AREAS OF CONCERN FORMER SCLAGE LOCK FACILITY 213 RED IRON ROAD ROCKY MOUNT, NORTH CAROLINA

FIGURE 2

- LEGEND
- ◆ Upper Aquifer Monitoring Well
 - ◆ Middle Aquifer Monitoring Well
 - ◆ Middle/Lower Aquifer Monitoring Well
 - ◆ Lower Aquifer Monitoring Well
 - ◆ Yorktown Aquifer Monitoring Well
 - ◆ Recovery Well
 - ◆ Middle Aquifer Piezometer
 - ◆ Lower Aquifer Piezometer
 - Soil Boring Location
 - Road
 - Stream
 - Original RYMCO Property Boundary
 - Brownfields No-Build Line
 - Parcel Boundary
 - Area of Concern (AOC)
 - 11 Solid Waste Management Unit

ATTACHMENT 3
FORMER SCHLAGE LOCK FACILITY
SCHEDULE OF COMPLIANCE

Schedule of Compliance

Schedule of Compliance	Due Date
Submit a Site Conceptual Model Paragraph V.F.2.	Within ninety (90) days of a written request from the Section.
Additional Facility characterization Paragraph V.H.1.	Within sixty (60) calendar days after notification from the Hazardous Waste Section.
Submit Final Interim Measures Report Paragraph V.K.6.	Within ninety (90) days of completion of any interim measures.
Update remedial strategy Paragraph V.L.2.	Within thirty (30) calendar days of receiving written notice.
Submit revised final remedy based upon SCM. Paragraph V.M.2.	Within ninety (90) calendar days after notification from the Hazardous Waste Section.
If warranted, submit to the Section a description of the remediation program designed to achieve the remedial goals. Paragraph V.M.3.	Thirty (30) calendar days after the Section's determination that the Facility characterization described in Paragraphs V.F. through V.I. is complete.
Shall provide the Section with all information necessary for the Section to commence the public participation process as specified in Paragraphs XI.A-XI.B. Paragraph V.M.4.	Within thirty (30) calendar days of receiving the Section's concurrence on the proposed final remediation program
Submit to the Section the specifications for the remediation program and shall begin implementation of the remediation program. Paragraph V.M.5.	Within sixty (60) calendar days after approval of the final remediation program.
Notify the Section of any planned physical alterations or additions which may impact the HWMU, SWMUs, AOCs, or areas contaminated by releases from these units. Paragraph VIII. D.	As soon as possible, and no later than fifteen (15) working days after Aspen Investments, Inc. or Schlage Lock Company LLC obtains knowledge
Report to the Section any situations that may endanger human health or the environment. Paragraph VIII. E.	Communicate orally within 24 hours and submit in writing within five (5) working days of when Aspen Investments, Inc. or Schlage Lock Company LLC become aware that the situation exists.
Notify any newly identified SWMU or AOC. Paragraph VIII. H. 1.	Within fifteen (15) calendar days of discovery.
Prepare and submit to the Section, a SWMU Assessment Report (SAR) for each newly identified SWMU or AOC. Paragraph VIII. H. 2.	Within ninety (90) calendar days of notification.