

(97) 6-5-08

0715 - Hull on-site, Summit (6) on-site.
0730 - Summit began crushing this morning after Tim put a halt on all crushing, pending analytical results. I told the crusher operator to quit and shut down the machine. ~~Because~~ He was told because John (foreman) was off-site @ store.
- Crushing has been stopped.
1000 - concrete samples were collected for lab testing. Two samples from each
1240 - Samples were dropped off at Data Chem. Lab. (rush)
~1400 - Crushing resumed after Summit called Tim Aciri, who allowed it with the condition that they keep it wet to not generate dust.
1700 - Crushed concrete and off-site soil samples were collected for Proctor testing. Samples were taken to Toledo office ~~for~~ and to the Hull Soils Lab the next

6/9/08 '9

0630 Hull on-site, Summit on-site
0700 Summit resumed concrete crushing. A hose was connected to a fire hydrant ~~and~~ and pointed to the conveyor belt. Keep dust down.
- A waste water services truck got the site to clean-up ~~septic tank~~ septic tank / or oil/water separator.
UNITED WASTE WATER SERVICES #790.
0900 Summit began opening a hole in an 115T (middle one) for clean-up. A backhoe bucket was used to a and bend the end of the tank.
0920 While opening the end of the tank the weld snapped-off and some oil spilled to some standing water and nearby soil. The waste water truck was used to remove the oil from the water. Absorption for ~~oil~~ to remove some oil from

(101)

6/11/08

8015

0700 - Hull on-site; Summit (6) on-site.	
Crushing of concrete from bldg. 27 renamed	
0730 - Dump truck on-site to drop-off off-site soil	
RIVERSIDE TRUCKING #3 1st load	
0812 - 2nd load - #3	
0845 - 3rd load - truck w/ no number + CO. name	
0860 - 4th load - #3	
0903 - 5th load - Jarrett Trucking #626	
0907 - 6th load - Jarrett Trucking, no number	
0920 - 7th load - Brunk Excavating, no number	
0925 - 8th load - truck w/ no number + CO. name	
0930 - 9th load - #3	
0938 - 10th load - #626	
0950 - 11th load - Jarrett Trucking, no number	
0953 - 12th load - Brunk Excavating, no number	
1000 - 13th load - truck w/ no number + CO. name	
1002 - 14th load - #3	
1014 - 15th load - #626	
1020 - 16th load - Brunk	
1024 - 17th load - Jarrett, no number	
1030 - 18th load - no number + no CO. name	
1038 - 19th load - #3	
1050 - 20th load - #626	
1054 - 21st load - Brunk	
1100 - 22nd load - no number, no CO. name	
1107 - 23rd load - Jarrett, no number	

Continue

loads after 23rd load:	
#3	
no number, no CO. name	
#626	
Jarrett, no number	
Brunk	
Estimate of loads while Hull off-site:	
#3 → 2; #626 → 3; Brunk → 2; no # → 3	
Total loads w/ estimate = 57	
#3: 15; no #: 13; #626: 12; Jar: 7; Br: 10	
1515 - Hull off-site. Went pick-up computers to be taken to Toledo	
1625 - Hull on-site	
1645 - Hull off-site. Drop-off lap top to UPS store to Isaac Seagrave	
1830 - Hull on-site	
1800 - Hull off-site; Summit quit working	
Note: Soil that was delivered was in past placed near SE corner of bldg. #20, in 1'-8" lift and compacted with smooth drum compactor. The compacted soil was inspected and appeared to be properly compacted.	

EOE

6/11/08

(102)

(100)

6/13/08

804.0

0710	Hall on-site; Summit (6) on-site	
0715	Summit Environmental on-site to clean-up USTs	
	Summit began crushing concrete from a pile at bldg 11-b.	
0735	Superior Environmental Solutions (waste water tank) on-site to pump remaining oil out of USTs.	
0750	Off-site soil delivery resumed	
	Bruck, no #	Off-site soil
	Jarret 626	will be delivered
	JBH Trucking	all afternoon
	Jarret no #	
	No name, no #	
1020	Summit environmental completed cleaning USTs.	
1020	Summit Environmental off-site	
	Summit ee started placing lifts of clayey soil on the SE corner of the truck loading dock. Two lifts were placed and compacted w/ smooth drum compactor. There No deflection was observed during compaction.	
1100	Summit off-site	
1120	Hall off-site	EDE

6-16-08

805.0

0645	Hall on-site, Summit (2) on-site.	
0700	Fernando still has phone, computer, etc. so I am heading to office to complete T&E and figure out when Fernando is.	
	Hall off-site	
0900	Hall on-site, Fernando mailed supplies to Muson office so I will get them later.	
	No soil will be brought today (John).	
	While at office I discussed manholes for building 27 basement drainage and I conveyed the info to John.	
1030	Hall off-site to pick up supplies @ office.	
1145	Hall on-site	
	Received analytical results for for soil soil and grey material in removed sump pit. It is hot and needs to be over-excavated and placed into roll-off boxes immediately to prevent further impact.	
1230	Spoke with John about grey contaminated material and informed him of actions needing taken. He said that United Waste Water (UWW) sucked out the contents prior to the and concrete container being removed. UWW stated that they had previously sampled this material but I have not seen/received analytical results for it.	
1545	Completed Completion Tests (CT) R4121-3+4 in 27 cracked stone.	

(continued on next page)

(106)

6-16-08 continued

(107)

1545 - continued: Stone is not meeting target compaction using 127.8 pct as base. Emailed Tim for suggestions.

1730 - Summit is rearranging dirt piles but will be done soon.
- Hull off-site.

EOE

6-17-08

(10)

705 S

0700 - Hull on-site, Summit (8) on-site.
0730 - John wants to build up 27 so I am having him drain the pools and then recompact the stone in hopes that it will return better numbers. I emailed Tim asking about visual inspection of the stone.

0830 - 1st soil load - no # or name
0900 - 2nd load - #46, no name
0945 - 3rd load - #46
1015 - 4th load - #46
1100 - 5th load - #46
1245 - 6th load - #46
1330 - 7th load - #46
1400 - After look of good compaction #5 I spoke with Tim. We decided to proceed with performance spec evaluations. Using a ~~static~~ static roller we rolled over and back 3 times across the entire 27 pad and noticed $\frac{1}{4}$ deflection at most. Based on this I approved the compaction of the crushhold sm.

(109) 6-18-08

0615 - Hull on-site

0645-6	more Summit employees on-site, 7 total
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0730-T_{ray} on-site

0830-1st Soil band

- CONN DEAN WALLACE, SES DID NOT REC.

paperwork from summer + fall coll

OF BOXES; DEAN WILL NOT SEND BOXES

UNTIL PAGE WORK RECEIVED. JO HAS A.

CALL TO OFFICE TO REQUEST COMPLETION

IF NEEDED APPROX. POSSIBLE TO

Gift Box today 16 \$5000 gets what

he needs

9906 - SES called: Roll off is on its

اسماء

- Flighted truck inset to panel

Crushed US^{TS} / ACS

- CAT rental on site dropping

312C excavator w/ brewer

Returned 2776 Spudsteer

5768 looking to center way

6-18-08

110

SOIL COUNT / TRUCK LOADS

✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓

✓	✓
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Redland in sub for 3rd US\$

Union Street and site

1310 CAT 725 delivered

1330 SES inside ^{to} delivery of box

1645- Summit ~~at~~ compacted the stone added to 27

and it has performance equivalent using a 765

articulation ~~of~~ track fully loaded. Distribution was $\frac{1}{8}$ max

so lift was approved. Nuke gauge will be used ~~for~~

transcend to get word #3.

1700 - Hull off-site

(115)

6-25-08

0630	Hull on-site, Summit (2) on-site	80's	
0800	After speaking with Tim, his only suggestion for the loaded shore was to spread and have laborers dump it. John wanted to throw so we is looking for ways to dispose of it. I also told him not to use it in the fire pit like he requested.		
1200	Took 5 compaction tests on 27 3rd lift and also performance spec'd it with the 725 test haul truck: ~.5" deflection at post.		
1400	While trying to locate previously tested and approved concrete piles I realized that despite my warning, John mixed the brick & sand crushed stone with the previously approved stone. I informed him that it now needs to be retested and reworked, or disposed of.		
1700	Hull off-site, ~ 7 loads of soil today		

(116)

6-26-08

0700	Hull on-site, Summit (7) on-site (500)	80's	
1015	Mark Fitzgerald & Greg and Gregley on-site.		
1100	Mark and Greg off-site. I walked thru around the site so that Greg could familiarize himself.		
	- There is a functioning storm sewer w/ lid on near old loading dock on 3rd St which will be left on-site.		
1145	A guy stopped by to unload 4 semi loads of roof gravel and I told John that I would AT LEAST need to be sampled to which he replied that roof gravel is always clean and told the guy to bring it on-site. I spoke with Tim Hesi who said that most roof gravel is contaminated and to not let it on-site at all. I told John and he sent the guy away.		
	1145- A guy stopped by to unload 4 semi loads of roof gravel and I told John that I would AT LEAST need to be sampled to which he replied that roof gravel is always clean and told the guy to bring it on-site. I spoke with Tim Hesi who said that most roof gravel is contaminated and to not let it on-site at all. I told John and he sent the guy away.		
1400	A water shut off was broken in Elizabeth Hall and found... down in eastern drain		

(119)

7-1-08

806.5

0700 - Hull on-site, Summit (5) on-site.
0730 - Summit is colling lifts in bldgs 11 + 27, and continuing to demo the power house and tunnel entrance on reading rd.
1130 - John says that it will be two weeks before EDG can come off and address the asbestos in the fire pit.
1500 - Nubbed the 4th lift of 27 and approved it. I also performed it and it passed that as well.
1645 - Hull off-site

7-2-08

(12)

805.5

0700 - Hull on-site, Summit (2) on-site.
0730 - Summit is colling furnace colling and lift in 11 so compaction tests will be taken today. The lift was already performed using a smooth drum roller with $\frac{1}{2}$ " deflection.
0830 - Summit is scraping the SW corner to drain level to begin putting extra site to drain.
1000 - Got word from Tim that the silver sludge pit is offically clean.
1350 - Took two compaction tests on 2nd lift of 11 and both returned > 98%. I gave the go to add another lift.
1700 - Hull off-site

(121) 7-3-08

705 r

0700 - Hull on-site, Summit (2) on-site.

0730 - Summit is putting lift on 27 using deck.
stepped on east side of pit.

0900 - Rain hit and delayed work for about 10 min.

1330 - Summit (2) off-site due to rain

1430 - Hull off-site

7-7-08

805 s

0700 - Hull on-site, Summit (2) on-site.

0730 - Summit is continuing lift on 27.

0800 - Hull off-site to office.

~~0830~~

0930 - Hull on-site.

1000 - Summit (1) on-site, 3 total

1300 - Summit putting 5th lift on 27

- 3rd lift on 11 is complete, but is pulling from
stem so compression testing will be put off till
dry.

1500 - Summit found a disposal location for wooded stone
and should be shipping off-site this week.

1715 - Hull off-site

(122)

(131)

8-26-08

0700 - Hull on-site, Summit (1) on-site,
0900 - Summit waiting to get another operator and stone
to continue filling in pit.
1300 - Loader operator on-site, will be grinding today.
1500 - received word from Tim that quarry stone is
five hours as fill and ~~Bill~~ I told Bill
about the footer/pile that needs removed.
1700 - Hull off-site, Summit (1) off-site,

8-27-08

(132)

0700 - Hull on-site, Summit (2) on-site,
- Bill waiting for fill delivery.
0900 - Trailer will be removed today (8-28) on Friday (8-29)
1200 - Bill has almost finished filling in the pit and all
the lifts have been performance evaluated using
a 200 excavator ~~and~~ with a 1" deflection.
1530 - Bill still waiting on more stone, he used "2's" for
most of it but will use "53's" for the last
foot.
1645 - Hull off-site,

DAILY FIELD REPORT

PROJECT: Former Nivison-Weiskopf Facility Demo
LOCATION: 601 Third Street, Reading Ohio
CONTRACTOR: Summit Contractors
DATE: 6/3/2008

VISITORS ON SITE: Powerscreen

DESCRIPTION OF WORK:

- 0700 – Hull on-site, Summit (7) on-site.
- 0930 – Completed tank closure and collected all samples (TP-1 to TP-18). All samples screened with PID and all registered 0.0 ppm. Sent Tim and email to determine which samples to send to lab.
- 1445 – Summit is filling the basement of bldg 11 with crushed stone which will have to be removed if samples come back insufficient. Summit was told by me that they have to be careful about putting untested material down as they might have to dig it back up. Crusher has been down all day. Repair men are en route.
- 1530 – Crusher repair men (Powerscreen) on-site.
- 1545 – Tim Acri sent an email to Summit requesting that they cease all crushing and related soil activities until we see analytical results from the concrete.
- 1700 – Hull off-site.

.....**NO FURTHER ENTRIES THIS PAGE**.....

DAILY FIELD REPORT

PROJECT: Former Nivison-Weiskopf Facility Demo
LOCATION: 601 Third Street, Reading Ohio
CONTRACTOR: Summit Contractors
DATE: 6/5/2008

VISITORS ON SITE: Fernando Camargo

DESCRIPTION OF WORK:

- 0715 – Hull on-site, Summit (6) on-site.
- 0730 – Summit began crushing this morning after Tim put a halt on crushing, pending analytical results. I told the crusher operator to quit and shut down the machine. He was told because John (foreman) was off-site at the store. Crushing has been stopped.
- 1000 – Concrete samples were collected for lab testing. Two samples each from eight piles.
- 1240 – Samples were dropped off at DataChem lab (rush).
- 1400 – Crushing resumed after Summit called Tim Acri, who allowed it with the condition that they keep it wet to not generate dust.
- 1700 – Crushed concrete and off-site soil samples were collected for Proctor testing. Samples were taken to Toledo office and to the Hull Soils Lab the next day.

.....NO FURTHER ENTRIES THIS PAGE.....

DAILY FIELD REPORT

PROJECT: Former Nivison-Weiskopf Facility Demo
LOCATION: 601 Third Street, Reading Ohio
CONTRACTOR: Summit Contractors
DATE: 6/11/2008

VISITORS ON SITE:

DESCRIPTION OF WORK:

- 0700 – Hull on-site, Summit (6) on-site. Summit resumed concrete crushing on bldg 27.
- 0730 – Dump truck on-site to drop off off-site soil, Riverside Trucking #3.
- 1515 – Hull off-site. Went to pick up computers to be taken to Toledo.
- 1625 – Hull on-site.
- 1645 – Hull off-site. Drop off laptop to UPS store to Isaac Seagrave.
- 1730 – Hull on-site.
- 1800 – Hull off-site, Summit quit working.
- NOTE: approximately 57 soil loads brought today (schedule with truck # in field book). Soil that was delivered was in part placed near SE corner of bldg #20, in +/- 8" lifts and compacted with smooth drum compactor. The compacted soil was inspected and appeared to be properly compacted.

.....**NO FURTHER ENTRIES THIS PAGE**.....

PROJECT NO: REA004

WEATHER: 80's sunny
TIME ON SITE: 0700 to 1800

DAILY FIELD REPORT

PROJECT: Former Nivison-Weiskopf Facility Demo
LOCATION: 601 Third Street, Reading Ohio
CONTRACTOR: Summit Contractors
DATE: 6/12/2008

VISITORS ON SITE:

DESCRIPTION OF WORK:

- 0700 – Hull on-site, Summit (6) on-site. Summit resumed concrete crushing on north end of bldg 27. Summit resumed pumping rainwater from the bottom of bldg #27 basement. Scrap metals were collected and stockpiled near the NE corner of bldg 27.
- 0845 – Off-site soil delivery resumed.
- 1000 – Tim Acri (Hull) on-site.
- 1045 – Matt Johnson (Summit) on-site. Summit Environmental on-site for USTs clean-up.
- 1200 – Hull off-site.
- 1300 – Hull on-site. Summit “bridged” the bottom of the west end of bldg 27 with large (12”-18”) pieces of concrete. Most of the standing water was pumped out. A corridor (4’-6’) wide was placed with crushed concrete running the entire length of the building. A lift of crushed concrete (~12”) was placed over the large concrete layer and compacted with the smooth drum compactor(static, no vibration). No deflection was observed while the lift was being compacted.
- 1420 – First lift on east side was compacted, no deflection was observed. The crushed concrete piles were left along the center of the building.
- 1700 – Summit finished crushing concrete from bldg 27. A second lift was placed and compacted. Nuke testing showed low density (92

pcf) and high moisture. A test was taken at a dryer location and it showed Md=90.8% of modified proctor (127.8pcf).

- 1800 – Summit proof-rolling soil placed east of bldg 27 (to be used as “cap” of the crushed concrete in bldg 27) to minimize rain water infiltration. Hull off-site.

.....NO FURTHER ENTRIES THIS PAGE.....

DAILY FIELD REPORT

PROJECT: Former Nivison-Weiskopf Facility Demo
LOCATION: 601 Third Street, Reading Ohio
CONTRACTOR: Summit Contractors
DATE: 6/13/2008

VISITORS ON SITE: SES

DESCRIPTION OF WORK:

- 0710 – Hull on-site, Summit (6) on-site.
- 0715 – Summit Environmental on-site to clean up USTs. Summit began crushing concrete from a pile at bldg 11-b.
- 0735 –Superior Environmental Solutions (SES) on-site to pump remaining oil out of USTs.
- 0750 – Off-site soil delivery resumed. Off-site soil will be delivered all afternoon.
- 1000 – Summit Environmental completed cleaning USTs.
- 1020 – Summit Environmental off-site. Summit started placing lifts of clayey soil on the SE corner of the truck loading dock. Two lifts were placed and compacted with smooth drum compactor. No deflection was observed during compaction.
- 1100 – Summit off-site.
- 1120 – Hull off-site.

.....NO FURTHER ENTRIES THIS PAGE.....

DAILY FIELD REPORT

PROJECT: Former Nivison-Weiskopf Facility Demo
LOCATION: 601 Third Street, Reading Ohio
CONTRACTOR: Summit Contractors
DATE: 6/17/2008

VISITORS ON SITE:

DESCRIPTION OF WORK:

- 0700 – Hull on-site, Summit (8) on-site.
- 0730 – John wants to build up 27 so I am having him drain the pools and then re-compact the stone in hopes that it will return better numbers. I emailed Tim asking about visual inspections of stone.
- 0830 to 1330 – 7 loads of soil brought on-site.
- 1400 – Hull Due to lack of good compaction numbers I spoke with Tim and we decided to proceed with performance spec evaluations. Using a static roller we rolled over and back three times across the entire 27 pad and noticed 1/4" deflection at most. Based on this I approved the compaction of the crushed stone.
- 1615 – 8th soil load on-site.
- 1630 – One 1' lift has been placed in 27 atop of the previous 2' approved lift for a total of 3' atop the large stones laid on bottom for drainage. This will be compacted and inspected tomorrow.
- 1700 – Hull off-site.

.....**NO FURTHER ENTRIES THIS PAGE**.....

DAILY FIELD REPORT

PROJECT: Former Nivison-Weiskopf Facility Demo
LOCATION: 601 Third Street, Reading Ohio
CONTRACTOR: Summit Contractors
DATE: 6/18/2008

VISITORS ON SITE: Tracy (Hull), Mark Fitzgerald, SES, CAT Rental

DESCRIPTION OF WORK:

- 0615 – Hull on-site, Summit (1) on-site.
- 0645 – 6 more Summit employees on-site, 7 total.
- 0730 – Tracy (Hull) on-site.
- 0830 – First soil load on-site. Call Dean Wallace, SES did not receive paperwork from Summit for roll-off boxes, Dean will not send boxes until paperwork is received, John (Summit) called office to request completion of needed paperwork. Possible to get box today if Dean gets what he needs.
- 0906 – SES called; roll-off box is on its way. Flatbed truck on-site to haul crushed USTs/ACS. CAT rental on-site dropping 312C excavator with breaker returned 277B skidsteer.
- 0945 – Applying H2O to entryway. Redbank leaves with one tank.
- 0950 – Ace Sanitation on-site.
- 1048 – Operator steward on-site, lunch break.
- 1208 – Redbank on-site for 3rd UST. Union steward off-site.
- 1310 – CAT 725 delivered.
- 1330 – SES on-site for delivery of 40-60yd box.
- 1645 – Summit compacted the stone added to 27 and it was performance evaluated using a 725 articulating truck fully loaded.

Deflection was 1/2" max, so lift was approved. Nuke gauge will be used tomorrow to get hard numbers.

- 1700 – Hull off-site, 19 soil loads brought today.

.....**NO FURTHER ENTRIES THIS PAGE**.....

DAILY FIELD REPORT

PROJECT: Former Nivison-Weiskopf Facility Demo
LOCATION: 601 Third Street, Reading Ohio
CONTRACTOR: Summit Contractors
DATE: 6/25/2008

VISITORS ON SITE:

DESCRIPTION OF WORK:

- 0630 – Hull on-site, Summit (2) on-site.
- 0800 – After speaking with Tim, his only suggestion for the wooded stone was to spread and have laborers clean it. John wont do this os he is looking for ways to dispose of it. I also told him not to use it in the fire pit as he requested.
- 1200 – Took 5 compaction tests on 27 3rd lift and also performance spec'd it with the 725 haul truck: ~.5" deflection at most.
- 1400 – While trying to locate previously tested and approved concrete piles I realized that despite my warning, John mixed the brick and wood crushed stone with the previously approved stone. I informed him that it now needs to be retested and de-wooded, or disposed of.
- 1700 – Hull off-site, ~7 loads of soil today.

.....**NO FURTHER ENTRIES THIS PAGE**.....

DAILY FIELD REPORT

PROJECT: Former Nivison-Weiskopf Facility Demo
LOCATION: 601 Third Street, Reading Ohio
CONTRACTOR: Summit Contractors
DATE: 7/01/2008

VISITORS ON SITE:

DESCRIPTION OF WORK:

- 0700 – Hull on-site, Summit (5) on-site.
- 0730 –Summit is rolling lifts in bldgs 11 and 27, and continuing to demo the power house and tunnel entrance on Reading Rd.
- 1130 – John says that it will be two weeks before EDG can come out and address the ACM in the fire pit.
- 1500 – Nuked the 4th lift of 27 and approved it. I also performance spec'd it and it passed that as well.
- 1645 – Hull off-site.

.....NO FURTHER ENTRIES THIS PAGE.....

DAILY FIELD REPORT

PROJECT: Former Nivison-Weiskopf Facility Demo
LOCATION: 601 Third Street, Reading Ohio
CONTRACTOR: Summit Contractors
DATE: 7/02/2008

VISITORS ON SITE:

DESCRIPTION OF WORK:

- 0700 – Hull on-site, Summit (2) on-site.
- 0730 –Summit is finishing rolling 2nd lift in 11 so compaction tests will be taken today. The lift was already performance spec'd using a smooth drum roller with < ½" deflection.
- 0830 – Summit is scraping he SW corner to drain level to begin putting entire site to drain.
- 1000 – Got word from Tim that the silver sludge pit is officially clean.
- 1350 – Took tow compaction tests on 2nd lift of 11 and both returned > 98%. I gave the go to add another lift.
- 1700 – Hull off-site.

.....**NO FURTHER ENTRIES THIS PAGE**.....

DAILY FIELD REPORT

PROJECT: Former Nivison-Weiskopf Facility Demo
LOCATION: 601 Third Street, Reading Ohio
CONTRACTOR: Summit Contractors
DATE: 7/03/2008

VISITORS ON SITE:

DESCRIPTION OF WORK:

- 0700 – Hull on-site, Summit (2) on-site.
- 0730 –Summit is putting lift on 27 using dirt staged on east side of pit.
- 0900 – Rain hit and delayed work for about 10 minutes.
- 1330 – Summit (2) off-site due to rain.
- 1430 – Hull off-site.

.....**NO FURTHER ENTRIES THIS PAGE**.....

DAILY FIELD REPORT

PROJECT: Former Nivison-Weiskopf Facility Demo
LOCATION: 601 Third Street, Reading Ohio
CONTRACTOR: Summit Contractors
DATE: 7/07/2008

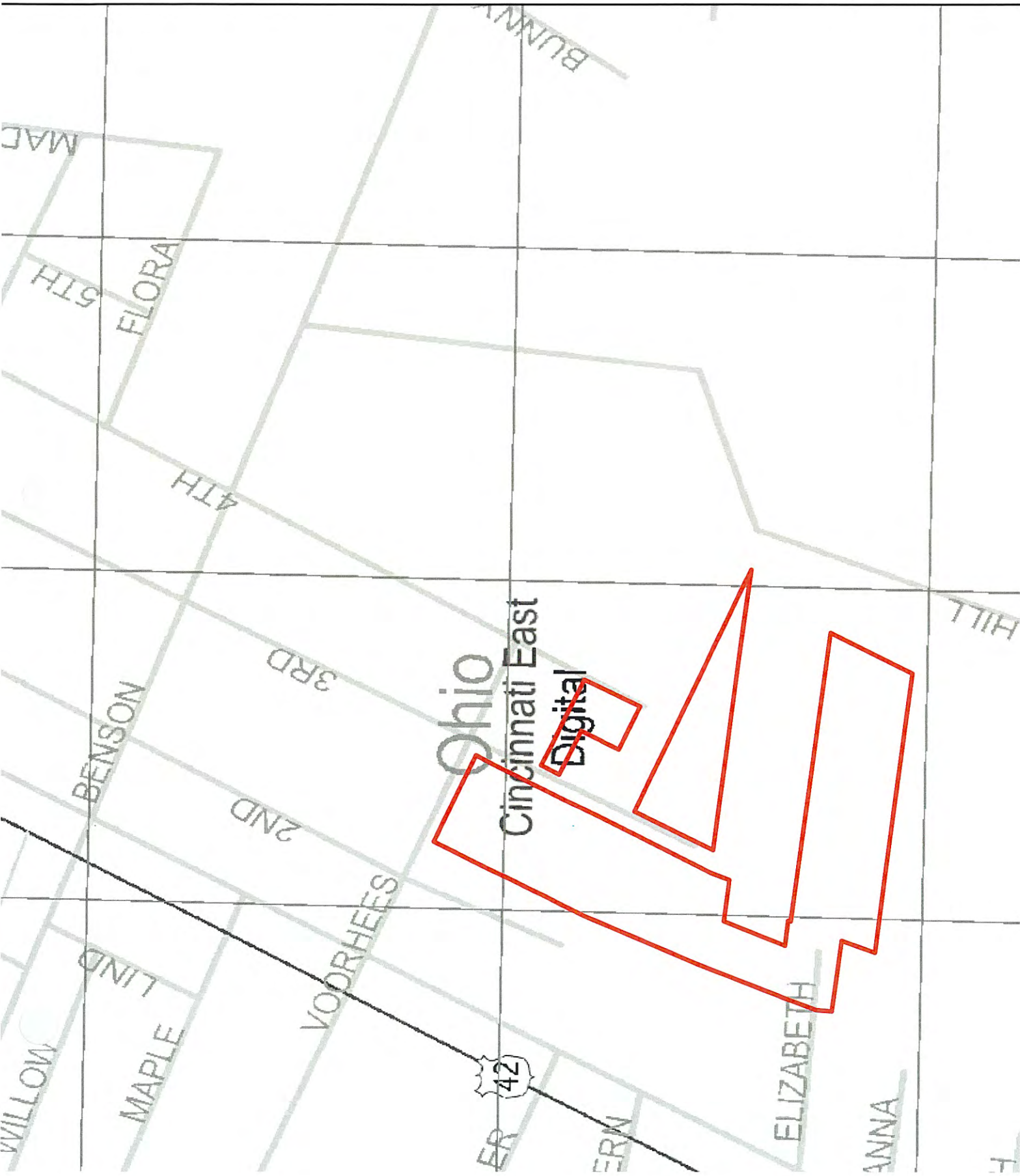
VISITORS ON SITE:

DESCRIPTION OF WORK:

- 0700 – Hull on-site, Summit (2) on-site.
- 0730 –Summit is continuing lift on 27.
- 0800 – Hull off-site to office.
- 0930 – Hull on-site.
- 1000 – Summit (1) on-site, 3 total.
- 1300 – Summit putting fifth lift on 27. #rd lift on 11 is complete but is puddling from storm so compaction testing will be put off till dry.
- 1500 – Summit found a disposal location for wooded stone and should be shipping off-site this week.
- 1715 – Hull off-site.

.....NO FURTHER ENTRIES THIS PAGE.....

NATIONAL WETLANDS INVENTORY MAP



Legend
Nivison Pro



Quadrangle Location
Job R
Form

Read



SOIL MAP

Property	Soils
Mapping Un	
BoE - Bon	
CdE - Cas	
CnC2 - Cii	
EcD - Ede	
EcE - Ede	
ErA - Elde	
ErB - Elde	
PfC - Pate	
PfE - Pate	
RpB2 - Rc	
RpC2 - Rc	
RtB - Rosi	
RtC - Rosi	
SwD2 - Sv	
UmC - Urt	
Uo - Urbar	
UrB - Urbz	
Ux - Urbar	
Water	



Project Summary
Phase I Property Assessment (Phase I) Update
of the Property located at
601 Third Street, Reading Ohio
Hull File No. REA003.200.0011
July 14, 2006

The Phase I Property Assessment Update was performed on the properties located at 600, 601, 602, and 636 Third Street, including adjoining un-numbered parcels owned by the Nivison-Weiskopf Company, Reading, Hamilton County, Ohio (Property). The Phase I Property Assessment Update was prepared in accordance with the requirements of the Ohio Voluntary Action Program (VAP), codified at Ohio Revised Code Chapter 3746, and Ohio Administrative Code (OAC) 3745-300-06.¹ This Phase I ESA also satisfies the American Society of Testing and Materials (ASTM) E 1527-05 *Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process*.

In performing this assessment, Hull reviewed a Phase I Environmental Site Assessment (ESA) and Phase II Remedial Investigation prepared for the Property by Environmental Design Group (EDG). Hull also reviewed federal, state and local lists of hazardous sites, underground storage tanks (USTs), hazardous waste management facilities and environmental releases of hazardous substances and petroleum. Hull also examined Ohio Department of Natural Resources (ODNR) records and a regulatory database report generated by *FirstSearch* Technology Corporation (*FirstSearch*).

The former box manufacturing facility was first developed between 1900 and 1910, and subsequently expanded until the mid-1970s. The Property is currently used for automotive parts distribution, automotive vehicle repair, and wooden pallet manufacturing.

The Phase I Update revealed evidence of the following Identified Areas (IAs) in connection with the Property:

1. three 15,000-gallon heating oil underground storage tanks (USTs) located beneath a small lot adjacent to the building along Third Street;

¹ OAC 3546-300-06 describes the procedures for conducting a Phase I Property Assessment under Ohio's Voluntary Action Program (VAP).

2. one approximately 10,000-gallon above ground storage tank (AST) and two associated approximately 1,000-gallon ASTs located in the basement of Building 11;
3. three new oil and two used oil above ground storage tanks located in Building 32;
4. miscellaneous drums, both empty and full, located in Buildings 27 and 11;
5. a drainage trench located to the east of the former box manufacturing machinery in Building 27;
6. drain line clean-out caps for an unidentified drain line in Building 32;
7. a cistern/sump in Building 11B;
8. electrical transformers located at various locations throughout the facility;
9. several fork lift batteries located in Buildings 30 and 33, and two automotive batteries located in Building 11A;
10. a railroad spur/siding along the western side of Building 11 and 11A; and
11. hydraulic oil reservoirs and sumps associated with the elevators located in Buildings 11 (assumed to be present) and 27 (observed).

The VAP is eligible to any Property except for those that fall into one or more of the following:

1. "National Priorities List" (NPL) sites;
2. Properties subject to the underground injection control program;
3. Properties subject to federal or state corrective action permit obligations;
4. Properties subject to federal enforcement;
5. Any property where closure of a hazardous waste facility or a solid waste facility is required under Chapter 3734. of the Revised Code or the Administrative Code rules;
6. Any property that is subject to site assessment, removal, or remediation, pursuant to sections 3737.88, 3737.882, and 3737.89 of the Revised Code and the Administrative Code rules adopted there under regarding underground storage tank systems, including any underground storage tank systems which contain or had previously contained petroleum;
7. Any property that is subject to site assessment, removal, or remediation of oil and gas, pursuant to Chapter 1509. of the Revised Code and the Administrative Code rules; and
8. Properties subject to state enforcement letter.

Only one of the IAs listed above could potentially fall into one of the ineligibility categories for the VAP. This is IA 1, the three heating oil USTs. While these USTs are not regulated under the Bureau of Underground Storage Tank Regulations, they should be removed under the oversight of the State Fire Marshal due to their size. If contamination is discovered during removal, the Fire Marshal would require this portion of the Property to be assessed and remediated. The petroleum-contaminated portion of the Property would not be eligible for inclusion in the VAP until the petroleum contamination has been remediated.

PHASE II ENVIRONMENTAL SITE ASSESSMENT

Project Summary
Limited Phase II Property Assessment (Phase II)
of the Property located at
601 Third Street, Reading Ohio
Hull File No. REA003.200.0012
July 14, 2006

Background

Hull & Associates, Inc. (Hull) performed soil and groundwater sampling activities at the property located on 601 Third Street, Reading, Ohio (Site). Hull conducted the soil and groundwater sampling to assess Identified Areas (IAs) identified at the Property during a Phase I Property Assessment (Phase I) performed by Hull between May and July of 2006. The Phase II is titled "Limited" as Hull focused the soil and groundwater sampling activities within the three on-Property IAs that were not previously assessed by Environmental Design Group (EDG), and were accessible with the equipment required to collect reliable samples.

Soil and Groundwater Sampling

Tiger Probe, under the direction of Hull, installed a total of nine direct-push soil borings and temporary piezometers at the Property on June 5 and 6, 2006. Soil samples were collected continuously from land surface to total boring depth. A portion of each sample was placed in a Ziploc bag and screened for the presence of volatile organic compounds (VOCs) using a photo-ionization detector (PID). The soil samples corresponding to the highest PID reading in each boring and the sample from the uppermost (typically 0 to 2 foot depth) interval were selected for analysis. The soil samples were submitted to DataChem Laboratories (DataChem) in Blue Ash, Ohio for analysis of VOCs by EPA Method 8260, semi-volatile organic compounds (SVOCs) by EPA Method 8270, and RCRA metals by EPA Method 6010.

Hull returned to the Property on June 23, 2006, to sample each of the four groundwater monitoring wells installed by EDG (MW-4, MW-7, MW-9, MW-11) during their Phase II ESA. Free product was discovered to be present in MW-7 located between the loading dock on the west side of Buildings 11 and 11A and the railroad tracks. MW-7 was not sampled due to the presence of free product in the well. The groundwater samples were submitted to DataChem for analysis of VOCs by U.S. EPA Method 8260, SVOCs by EPA Method 8270, and RCRA metals by EPA Method 6010.

The presence of free product in MW-7 raised the question of the source of the product and the extent of the free product plume. No identifiable sources had been identified by either EDG or Hull during the previous assessments. Hull initiated additional groundwater sampling around MW-7 in an attempt to locate the direction from which the free product had migrated.

Hull returned to the Property on June 29, 2006, with Tiger Probe and installed five temporary groundwater monitoring wells around the north, west and south sides of MW-7 (P-1 through P-5). Grab groundwater samples were collected from the five temporary wells using a peristaltic pump. The groundwater samples were submitted to DataChem for analysis of VOCs by U.S. EPA Method 8260 and SVOCs by EPA Method 8270.

Hull and Tiger Probe went back to the Property on July 3, 2006, to collect grab groundwater samples from the basement of Building 27 (P-8 and P-9), and from two locations along the western side of Building 20 (P-6 and P-7). The groundwater samples were submitted to DataChem for analysis of VOCs by U.S. EPA Method 8260 and SVOCs by EPA Method 8270. One soil sample was submitted for analysis of VOCs by U.S. EPA Method 8260, SVOCs by EPA Method 8270, and Total Petroleum Hydrocarbons (TPH) – gas and diesel range organics (GRO and DRO, respectively).

Analytical Results

All of the detected concentrations of VOC and SVOC compounds from the nine initial soil boring samples from locations P-1 through P-9 were below their respective VAP Direct Contact Standard for Commercial and Industrial Land Use, or Construction and Excavation Activities. All of the detected RCRA metals concentrations (arsenic, barium, chromium, and lead) were below their respective VAP Direct Contact Standard for Commercial and Industrial Land Use, or Construction and Excavation Activities, whichever is more stringent.

The groundwater analytical results for detected VOCs, SVOCs, and the RCRA metals for the three monitoring well samples (MW-4, MW-9 and MW-11) were all reported as below the method detection limits, with the exception of barium, which was detected at a concentration of 120 ug/L in MW-4. The VAP Unrestricted Potable Use Standard (UPUS) for barium is 2,000 ug/L.

The grab groundwater samples collected from the nine temporary wells installed around MW-7 did not contain any detectable concentrations of VOCs or SVOCs. It is noted that no sample was collected from MW-7 due to the presence of free product.

Findings and Conclusions

Hull's assessment of the Property indicates that there appears to be impacted soil in the vicinity of the railroad siding to the west of Buildings 11 and 11A. However, the concentrations are below the VAP Direct Contact Standards for Commercial and Industrial Land Use, or Construction and Excavation Activities. It should be noted that the analytical data presented was from randomly placed sampling points set along the IA, and that the selected locations may not represent the highest concentrations present in the soil.

The assessment also indicates that there is contamination in the groundwater in the vicinity of MW-7. Based on Hull's limited delineation work, the impact appears to be limited to the northern end of the loading dock and the area beneath Building 11A. It should be noted that this approximation is based solely on the limited amount of data collected from nine soil borings and grab groundwater samples collected from the resulting boreholes. This delineation did not evaluate the area beneath Building 11A as the building is structurally unsound and vibrations from the drilling operation may have caused additional collapse of the structure.



**Environmental
Protection Agency**

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

AUG 10 2011

Mr. Patrick Ross, Safety Service Director
City of Reading
1000 Market Street,
Reading Ohio 45215

CERTIFIED MAIL

**RE: Issuance of Covenant Not To Sue for the Reading Life Sciences
Complex Expansion Property (Former Nivison-Weiskopf Facility and
the Ostholtzoff & Glorius Property) (10NFA402)**

Dear Mr. Ross:

I am pleased to inform you that on **AUG 10 2011**, the Director of the Ohio Environmental Protection Agency ("Director") issued a Covenant Not To Sue ("CNS") to the city of Reading for the Reading Life Sciences Complex Expansion property, located at 595 and 601 Third Street, Reading, Hamilton County, Ohio. The CNS was issued as Final Findings and Orders pursuant to Ohio Revised Code ("ORC") Chapter 3746 and Ohio Administrative Code ("OAC") Chapter 3745-300.

The CNS states that based on the NFA Letter, and subject to all conditions set forth in these Findings and Orders, Ohio EPA covenants not to sue and releases the city of Reading and its respective agents, employees, successors and assigns, and successors and assigns of the Property, from all civil liability to the State of Ohio to perform additional investigational and remedial activities. The covenant not to sue and release of liability applies to the Property that has undergone a Phase I or Phase II property assessment in compliance with ORC Chapter 3746 and OAC Chapter 3745-300 or has been the subject of remedial activities conducted under ORC Chapter 3746 and OAC Chapter 3745-300 to address a release of hazardous substances or petroleum, and the assessment or the remedial activities demonstrate or result in compliance with applicable standards.

Enclosed is a certified copy of the CNS and its exhibits for the recording of the documents in the same manner as a deed for the property, as instructed by the CNS (see the "Conditions and Limitations" section). The enclosed Affidavit should be presented to the county recorder's office staff to support the required recording. Remember to submit to Ohio EPA after the recording a complete copy of the CNS that shows the filing date stamp of the county recorder's office.

The complete copy of the stamped document should be sent to the to the attention of Debi Tavizon, Records Management Officer, DERR, Ohio EPA Central Office, at the following address:

Ohio EPA – Division of Environmental Response and Revitalization
Assessment Cleanup & ReUse Section – Voluntary Action program
50 W. Town St., Suite 700
Columbus, OH 43215

Further, the Environmental Covenant - attached to the CNS as Exhibit 4 - must also be recorded in the same manner as a deed to the Property (see the "Conditions and Limitations" section of the CNS). Please record the Environmental Covenant just prior to and separate from the recording of the CNS and its remaining exhibits in the Property's chain of title. The CNS becomes effective on the date of the recording of the Environmental Covenant. Like the CNS recording, remember to submit to Ohio EPA (at the address listed above) a complete copy of the Environmental Covenant that shows the county recorder's date stamp. For questions on the recording of these documents, please contact the Ohio EPA Legal Office attorney designated below at (614) 644-3037.

This action of the Director is final and may be appealed to the Environmental Review Appeals Commission ("Commission") pursuant to ORC 3745.04. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. The appeal must be filed with the Commission within thirty (30) days after notice of the Director's action. The appeal must be accompanied by a filing fee of \$70.00, made payable to "Treasurer, State of Ohio", which the Commission, in its discretion, may reduce if by affidavit it is demonstrated that payment of the full amount of the fee would cause extreme hardship. Notice of the filing of the appeal shall be filed with the Director within three (3) days after the appeal is filed with the Commission. Ohio EPA requests that a copy of the appeal be served upon the Ohio Attorney General's Office, Environmental Enforcement Section. An appeal may be filed with the Commission at the following address: Environmental Review Appeals Commission, 77 South High Street, 17th Floor, Columbus, Ohio 43215.

Congratulations on the issuance of this CNS. Many persons within the agency, the city of Reading, and Hull & Associates, Inc., among others, worked hard to remove the environmental barriers associated with redeveloping this property. If you have any questions or concerns, feel free to contact me at (614) 644-2924 or via e-mail at tiffani.kavalec@epa.state.oh.us.

Sincerely,



Tiffani Kavalec, Manager
Assessment, Cleanup and ReUse (ACRE)
Division of Environmental Response and Revitalization

Enclosure

cc: Bradford S. White, PhD, Certified Professional, Hull & Assoc., Inc.
4770 Duke Drive, Suite 300
Mason, OH 45040

Robert Bemmes, Mayor, City of Reading, OH
City of Reading
1000 Market Street,
Reading Ohio 45215

Linda Fitzgerald, LSR Consultants, LLC
166 Lexington Dr.
P.O. Box 527
Loveland, Ohio 45140-0527

ec: Nita Nordstrom, DERR-SWDO
Andrea Smoktonowicz, Legal Office
CO DERR-VAP Files

TO BE RECORDED IN **DEED RECORDS**,
PURSUANT TO ORC 317.08(A)

AFFIDAVIT

STATE OF OHIO

)

)

ss:

COUNTY OF FRANKLIN

)

Before me, the subscriber, a Notary Public in and for the State of Ohio, personally appeared Tonya R. Lassiter, who, being duly sworn according to law, deposes and says that: (i) she is employed as a records management officer in the Legal Office of the Ohio Environmental Protection Agency ("Ohio EPA") and, as such, is authorized to sign this Affidavit on behalf of Ohio EPA; and (ii) the attached document is a true and correct copy of the Covenant Not to Sue / Director's Final Findings and Orders issued by the Director, and entered in the Ohio EPA Director's Journal on August 10, 2011, regarding property known as the Reading Life Sciences Complex Expansion (Former Nivision-Weiskopf Facility and Ostholthoff & Glorius Property), located at 595 and 601 Third Street in Reading, Hamilton County, Ohio and further described in the attached Covenant Not to Sue.

Tonya R. Lassiter

Tonya R. Lassiter
Records Management Officer
Ohio EPA Legal Office

Sworn to and subscribed before me, a Notary Public in and for the State of Ohio,
this 10th day of August, 2011.

[Signature]

Notary Public
State of Ohio

Permanent Commission
No expiration, R.C. 147.03

This instrument prepared by:

Andrea Smoktonowicz, Attorney
Ohio EPA Legal Office
P.O. Box 1049
Columbus, Ohio 43216-1049



SUSAN C. KROEGER
Attorney at Law
Notary Public
State of Ohio
Lifetime Commission

I certify this to be a true and accurate copy of the official documents as filed in the records of the Ohio Environmental Protection Agency.

By: Mike Lassiter Date: 8-10-11

OHIO E.P.A.

AUG 10 2011

ENTERED DIRECTOR'S JOURNAL

BEFORE THE

OHIO ENVIRONMENTAL PROTECTION AGENCY

In the matter of:

City of Reading, Ohio
1000 Market Street
Reading, Ohio 45215

Covenant Not to Sue

**Director's Final Findings
and Orders**

Regarding property known as:

Reading Life Sciences Complex Expansion
(Former Nivison-Weiskopf Facility and
Osthoff & Glorius Property)
595 and 601 Third Street
Reading, Ohio 45215

Pursuant to Ohio Revised Code ("ORC") Chapter 3746 and Ohio Administrative Code ("OAC") Chapter 3745-300, the Director of the Ohio Environmental Protection Agency (the "Director") hereby makes the following Findings and issues the following Orders ("Findings and Orders").

FINDINGS

1. A No Further Action Letter, No. 10NFA402 (the "NFA Letter"), was submitted on November 8, 2010, to the Director under the Voluntary Action Program on behalf of the city of Reading, Ohio (the "Volunteer") by Bradford S. White, Ph.D., a certified professional, CP (No.146), as defined in ORC 3746.01(F) and OAC 3745-300-01(A) (the "Certified Professional").
2. The Certified Professional issued the NFA Letter by his CP affidavit on October 26, 2010. The Certified Professional also submitted to the Director addenda to the NFA Letter, which were issued under CP affidavit on April 15, 2011, May 16, 2011, and June 17, 2011. For the purposes of these Findings and Orders, the term "NFA Letter" includes the addenda.
3. The NFA Letter describes the investigational and remedial activities undertaken at the 13.4842-acre property, formerly known as Nivison-Weiskopf Facility and the Osthoff & Glorius Property, located at 595 and 601 Third Street, Reading,

Ohio (the "Property"). An exact legal description of the Property is attached hereto as Exhibit 1. A Property location map is attached hereto as Exhibit 2. Based on information in the NFA Letter, the Property is owned by the city of Reading, Ohio. Please refer to a parcel list that is included within Exhibit 1.

4. The Certified Professional prepared pursuant to OAC 3745-300-13(J) an Executive Summary of the NFA Letter, which is attached hereto as Exhibit 3.

Summary of the voluntary action for the Property

5. Based upon the information in the NFA Letter, the Volunteer undertook the following investigational and remedial activities regarding the Property:
 - a. A Phase I Property Assessment, in accordance with OAC 3745-300-06, to determine whether there is any reason to believe that a release of hazardous substances or petroleum has or may have occurred on, underlying or is emanating from the Property.
 - b. A Phase II Property Assessment, in accordance with OAC 3745-300-07, including but not limited to investigations of identified areas and affected media at the Property, to assess environmental conditions related to releases of hazardous substances and/or petroleum.
 - c. Activity and use limitations contained in a proposed Environmental Covenant prepared pursuant to ORC 5301.80 to 5301.92, subject to execution by the Director and recording as described in these Findings and Orders.
 - d. Other remedial activities, conducted in accordance with OAC 3745-300-11, including the demolition and removal of demolition debris, abatement of asbestos containing materials (ACM) within the structures in accordance with OAC Chapter 3745-20, and removal and disposal of soils contaminated with chemicals of concern in: (i) soil within the tank pit cavity for three heating oil underground storage tanks (IA-1); (ii) unsaturated soil in the vicinity of the sump pit/cistern within the basement of Building 11B (IA-7); and (iii) Petroleum-contaminated unsaturated soils adjacent to the railroad spur (IA-10) in the vicinity of MW-7.
 - e. A demonstration that the Property complies with applicable standards for the identified chemicals of concern ("COCs") in the identified areas and affected media at the Property through the use of generic numerical standards in accordance with OAC 3745-300-08, and the use of a Property-specific risk assessment in accordance with OAC 3745-300-09.

6. The Certified Professional has verified by affidavit that the voluntary action was conducted and the NFA Letter was issued for the Property in accordance with ORC Chapter 3746 and OAC Chapter 3745-300, that the Property is eligible for the Voluntary Action Program, and that the voluntary action was conducted in compliance with all applicable federal, state and local laws and regulations.
7. At the time that analyses were performed, TestAmerica, Inc., ALS Laboratory Group, and Pace Analytical Services were certified laboratories, Nos. CL0018, CL0022, and CL0065, respectively, as defined in ORC 3746.01(E) and OAC 3745-300-01(A), whose services were used in support of the NFA Letter (the "Certified Laboratories").
8. The Environmental Covenant will be recorded in the Hamilton County Recorder's Office as described in the Environmental Covenant and Order No. 2 herein. A copy of the executed Environmental Covenant is attached hereto as Exhibit 4. The Environmental Covenant upon recording will:
 - a. Restrict the Property to commercial and industrial land uses; and
 - b. Restrict ground water use and extraction, except for the purpose of ground water investigation, ground water monitoring or remedial activities, or in conjunction with construction, excavation, or maintenance of subsurface utilities.

Applicable Standards

9. Based on the information contained in the NFA Letter and all conditions set forth in these Findings and Orders, the Property meets applicable standards contained in ORC Chapter 3746 and OAC Chapter 3745-300 for various uses including commercial and industrial land use and restricted ground water use. The applicable standards for the Property are those in effect when the NFA Letter was issued on October 26, 2010. The applicable standards, the methods of achieving compliance with the standards, and the associated points of compliance for the standards for each complete exposure pathway, are identified in the NFA Letter, which contains a summary table entitled "Summary of Exposure Pathways Prior to Applicable Standards Determination or Remedy" and "Applicable Standards and Remedial Activities for Each Exposure Pathway." The standards include one or more of the following:
 - a. Generic numerical standards determined in accordance with OAC 3745-300-08.

- b. Property-specific risk assessment standards developed in accordance with OAC 3745-300-09.
 - c. Background standards determined in accordance with ORC 3746.06(A) and OAC 3745-300-7(H).
 - d. Standards for residential (potable) use of ground water underlying the Property, applied in accordance with ORC 3746.06(B).
10. Based on the implementation and maintenance of the remedies identified in this paragraph, the Property complies with applicable standards. Failure to implement one or more of the remedial activities may constitute noncompliance with applicable standards. The remedies requiring implementation include:
- The activity and use limitations set forth in the Environmental Covenant attached hereto, which once recorded will limit the Property to:
- a. Commercial or industrial land uses; and
 - b. Prohibit the use or extraction of ground water, except for the purposes of ground water investigation, ground water monitoring or remedial activities, or in conjunction with construction, excavation, or maintenance of subsurface utilities.
11. Pursuant to ORC 3746.12(A), the Director of Ohio EPA is authorized to issue a covenant not to sue for the Property through these Findings and Orders. Based on the NFA Letter and subject to all conditions set forth in these Findings and Orders, the remedial activities for the Property are protective of public health and safety and the environment.

ORDERS

Covenant

1. Based on the NFA Letter, and subject to all conditions set forth in these Findings and Orders, Ohio EPA hereby covenants not to sue and releases the city of Reading and its respective agents, employees, successors and assigns, and successors and assigns of the Property, from all civil liability to the State of Ohio (the "State") to perform additional investigational and remedial activities. This covenant not to sue and release of liability ("Covenant") applies to the Property that has undergone a Phase I or Phase II property assessment in compliance

with ORC Chapter 3746 and OAC Chapter 3745-300 or has been the subject of remedial activities conducted under ORC Chapter 3746 and OAC Chapter 3745-300 to address a release of hazardous substances or petroleum, and the assessment or the remedial activities demonstrate or result in compliance with applicable standards.

Conditions and Limitations

Effectiveness of the Covenant— Recording of the Environmental Covenant

2. The Covenant provided in Order No. 1 herein shall become effective upon the date the Environmental Covenant is recorded in accordance with this Order. The Environmental Covenant shall be filed as a document separate from the filing required by Order No. 3 herein. Within thirty (30) days after the issuance of these Findings and Orders, the city of Reading shall:
 - a. File with the Hamilton County Recorder's Office for recording, in the same manner as a deed to the Property pursuant to ORC 3746.14 and 5301.88, the Environmental Covenant as executed and attached hereto as Exhibit 4. The document for recording may be an executed original or a copy of the same authenticated by Ohio EPA; and
 - b. Submit to Ohio EPA a copy of the recorded Environmental Covenant that shows the filing date stamp of the Hamilton County Recorder's Office or other reliable information that verifies the recording of the document in accordance with this Order. The submission shall include a cover letter that identifies "Recorded - Environmental Covenant for the Reading Life Sciences Complex Expansion, NFA Letter No.10NFA402." The submission shall be delivered either (1) electronically to the DERR Records Management Officer at Ohio EPA's Central Office, at records@epa.state.oh.us or (2) by U.S. mail or by other reliable means to both Ohio EPA's Central Office, 50 West Town Street, P.O. Box 1049, Columbus, OH 43216-1049, Attention: DERR Records Management Officer and Ohio EPA's Southwest District Office, 401 East Fifth Street, Dayton, Ohio, 45402, Attention: DERR Site Coordinator for the Reading Life Sciences Complex Expansion (10NFA402).

Requirement to Record These Findings and Orders / Covenant Not to Sue

3. Within thirty (30) days after the issuance of these Findings and Orders, the city of Reading shall:
 - a. File with the Hamilton County Recorder's Office, for recording in the same

manner as a deed to the Property pursuant to ORC 3746.14, a copy of these Findings and Orders, including Exhibits 1 (Legal Description), 2 (Property Location Map), 3 (Executive Summary); and

- b. Submit to Ohio EPA a copy of the Findings and Orders that shows the filing date stamp of the Hamilton County Recorder's Office or other reliable information that verifies the recording of the Findings and Orders in accordance with this Order. The submission shall include a cover letter that identifies "Recorded - Covenant Not to Sue for NFA Letter No. 10NFA402." The submission shall be delivered either (1) electronically to the DERR Records Management Officer at Ohio EPA's Central Office, at records@epa.state.oh.us or (2) by U.S. mail or by other reliable means to both Ohio EPA's Central Office, 50 West Town Street, P.O. Box 1049, Columbus, OH 43216-1049, Attention: DERR Records Management Officer and Ohio EPA's Southwest District Office, 401 East Fifth Street, Dayton, Ohio 45402, Attention: DERR Site Coordinator for the Reading Life Sciences Complex Expansion.

Limits of Covenant

4. Pursuant to ORC 3746.12(B)(1), the Covenant shall remain in effect for as long as the Property continues to comply with the applicable standards upon which the Covenant is based, as referenced in these Findings and Orders. Upon a finding pursuant to ORC 3746.12(B)(2) that the Property or portion thereof no longer complies with applicable standards upon which issuance of the Covenant was based and receipt of the Director's notice of that fact and the requirements of ORC 3746.12(B)(3), the person(s) responsible for maintaining compliance with those standards shall receive an "opportunity to cure" the noncompliance. ORC 3746.12(B)(4) provides for revocation of the Covenant upon a Director's finding that the noncompliance has not been cured.
5. Pursuant to ORC 3746.05, any use of the Property that does not comply with the institutional controls identified herein (i.e., the activity and use limitations contained in the Environmental Covenant), voids the Covenant on and after the date of the commencement of the noncomplying use.
6. The Covenant shall not apply to releases of hazardous substances or petroleum that occur after the issuance of the NFA Letter.
7. The Covenant shall not apply:
 - a. To claims for natural resource damages the State may have pursuant to Sections 107 or 113 of the Comprehensive Environmental Response,

Compensation and Liability Act of 1980 ("CERCLA"), 42 U.S.C. 9607 and 9613, as amended.

- b. To claims the State may have pursuant to Section 107 of CERCLA, 42 U.S.C. 9607, as amended, for costs other than those for damages to natural resources, provided that the State incurs those other costs as a result of an action by the United States Environmental Protection Agency.
 - c. As otherwise specifically provided in ORC Chapter 3746, including but not limited to obligations arising under other applicable laws.
8. Nothing in the Covenant limits the authority of the Director to act under ORC 3734.13 and 3734.20 to 3734.23, or to request that a civil action be brought pursuant to the ORC or common law of the State to recover the costs incurred by Ohio EPA for investigating or remediating a release or threatened release of hazardous substances or petroleum at or from the Property, when the Director determines that the release or threatened release poses an imminent and substantial threat to public health or safety or the environment.
9. Nothing in the Covenant shall be construed to limit or waive the Director's authority to revoke the Covenant in response to any of the circumstances for revocation of a covenant, as provided in ORC Chapter 3746 and OAC Chapter 3745-300.

Ohio EPA Access to Property

10. Pursuant to ORC 3746.21 and 3746.171 and the Environmental Covenant, and at reasonable times, upon proper identification, and stating the necessity and purpose as directed by applicable law, authorized representatives of the Director shall be granted access to the Property for the inspection or investigation purposes authorized under applicable law, including but not limited to determining whether the Property is being used in compliance with the activity and use limitations contained in the Environmental Covenant.

Transfer

11. Pursuant to ORC 3746.14 and OAC 3745-300-13(L), the NFA Letter and the Covenant Not to Sue/Findings and Orders may be transferred to any person by assignment or in conjunction with the acquisition of title to the Property.

IT IS SO ORDERED:



Scott J. Nally, Director
Ohio Environmental Protection Agency

AUG 10 2011

Date

Exhibit 1
Legal Description

PROPERTY PARCEL LIST

Property name: Reading Life Sciences Complex Expansion (Former Nivison-Weiskopf Facility and the Ostholthoff & Glorius Property)

Property address: 595 and 601 Third Street, Reading, Ohio 45215

Property owner: The city of Reading, Ohio

Property owner address: 1000 Market Street, Reading, Ohio, 45215

Parcel number(s): 671-0009-0001-00, 671-0009-0002-00, 671-0009-0003-00, 671-0009-0016-00, 671-0009-0015-00, 671-0010-0161-00, 671-0009-0004-00, 671-0009-0014-00, 671-0009-0038-00, 671-0010-0101-00, 671-0010-0102-00, 671-0009-0035-00, 671-0009-0068-00, 671-0009-0034-00, 671-0009-0019-00, 671-0009-0026-00 and 671-0009-0037-00.

County: Hamilton

Taxing District: 182 READING-READING CSD-00630

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in

Case No(s). 16-0253-GA-BTX

Summary: Exhibit Exhibit R6 part 2 on behalf of City of Reading electronically filed by Mr. DAVID T STEVENSON on behalf of CITY OF READING