

II. PERSONS BOUND

2. The provisions of this Consent Order shall apply to and be binding only upon the State and Defendant, and, to the extent consistent with Civ.R. 65(D), Defendant's officers, agents, servants, employees, successors, and assigns, and those persons in active concert or participation with Defendant under the names that they presently use or any other names they use through any corporate or other device who receive actual notice of this Consent Order whether by personal service or otherwise.

3. Defendant agrees and is hereby enjoined to provide actual notice of this Consent Order to its officers, agents, servants, employees, successors, and assigns, and those persons in active concert or participation with Defendant regarding any activity related to this Consent Order or the Complaint in this case.

III. DEFINITIONS

4. "The Bridgeport Site" refers to the six tracts of property owned by Defendant and located at 56100 Berkley Avenue, Bridgeport, Belmont County, Ohio. A detailed property description of the Bridgeport Site is set forth in the Appendix attached to this Consent Order.

IV. PERMANENT INJUNCTIVE RELIEF

5. Defendant is hereby ordered and enjoined to comply with R.C. Chapters 3704 and 3734, the rules promulgated and permits issued thereunder, R.C. Chapter 3767, and any orders of the Director.

6. Defendant agrees and is hereby enjoined to comply with Ohio Adm.Code 3745-20-07(E) by permanently maintaining a notation on the deed to the Bridgeport Site at all times that indicates: (1) that the land has been used for the disposal of asbestos-containing waste materials; (2) that the survey plot and record of the location and quantity of asbestos-containing waste

materials disposed of within the disposal areas on the site has been filed with the Director; and (3) that the Bridgeport Site is subject to the applicable requirements specified in Ohio Adm.Code Chapter 3745-20 and 40 C.F.R. Part 61, Subpart M. A true and accurate copy of the notation on the deed to the Bridgeport Site that shall be permanently maintained is provided in the Appendix attached to this Consent Order.

7. Defendant agrees and is hereby enjoined to erect, at a minimum, durable, chain-link fencing at least four feet in height that completely surrounds the west pit asbestos disposal area and the asbestos landfill on the western portion of the Bridgeport Site as identified in the property deed attached as the Appendix to this Consent Order on or before October 31, 2014.

8. Defendant agrees and is hereby enjoined to permanently prevent any disturbance of the disposal areas of the asbestos-containing waste materials at the Bridgeport Site as identified in the property deed notation attached as the Appendix to this Consent Order. Defendant agrees and is hereby enjoined to permanently maintain the fencing erected pursuant to Paragraph 7 of this Consent Order.

9. Defendant agrees and is hereby enjoined to permanently maintain a cover of vegetation adequate to prevent exposure of the asbestos-containing waste materials at the Bridgeport Site as identified in the property deed notation.

10. Defendant agrees and is hereby enjoined to permanently maintain signs at the Bridgeport Site on the fencing erected pursuant to Paragraph 7 of this Consent Order that identify and warn of the presence of asbestos.

V. CIVIL PENALTY

11. Defendant is enjoined and ordered to pay a total civil penalty of \$30,000.00 to the State of Ohio. However, this civil penalty shall be suspended so long as Defendant fully completes all

requirements of Paragraph 7 of this Consent Order and obtains written approval from Ohio EPA on or before October 31, 2014 of Defendant's successful completion of all of the Paragraph 7 requirements from this Consent Order. If Defendant fails to complete the Paragraph 7 requirements from this Consent Order or fails to obtain written approval from Ohio EPA on or before October 31, 2014, it shall immediately deliver, a cashier's or certified check in the amount of \$30,000.00 drawn on an account with sufficient funds made payable to the "Treasurer, State of Ohio," delivered to Scott Hainer, or his successor, Paralegal, Ohio Attorney General's Office, Environmental Enforcement Section, 30 East Broad Street, 25th Floor, Columbus, Ohio 43215.

VI. STIPULATED PENALTIES

12. In the event Defendant fails to comply with any requirement or deadline provided in this Consent Order, Defendant is liable for and shall on its own accord pay stipulated penalties without demand or notice by the State of Ohio in accordance with the following schedule for each failure to comply:

- a. For each day of each failure to comply with any requirement or deadline of this Order up to and including the first thirty (30) days of each failure, two hundred dollars (\$200.00) per day for each failure to comply with each requirement or deadline.
- b. For each day of each failure to comply with a requirement or deadline of this Order for days thirty-one (31) through sixty (60) days of each failure, four hundred dollars (\$400.00) per day for each failure to comply with each requirement or deadline.
- c. For each day of each failure to comply with a requirement or deadline of this Order for each day beyond sixty (60) days of each failure, six hundred dollars (\$600.00) per day for each failure to comply with each requirement or deadline.

13. Any payment required to be made under the provisions of Section VI of this Consent Order shall be made by delivering to the State, care of Scott Hainer or his successor, Paralegal, at the Office of the Ohio Attorney General, Environmental Enforcement Section, 30 East Broad

Street, 25th Floor, Columbus, Ohio 43215, a cashier's check or certified check or checks made payable to the order of the "Treasurer, State of Ohio" for the appropriate amount within thirty (30) days from the date of the failure to comply with the requirement or deadline for this Order. The payment of the stipulated penalty shall be accompanied by a letter briefly listing Defendant's name, describing the type of violation, deadline, or requirement not met and the date(s) upon which the violation of this Order occurred.

14. The payment of stipulated penalties by Defendant and the acceptance of such stipulated penalties by the State pursuant to this Section shall not be construed to limit the State's authority to seek additional relief pursuant to R.C. Chapters 3704, 3734, and 3767 including civil penalties under R.C. Chapter 3704 and 3734, or to otherwise seek judicial enforcement of this Consent Order for the same violation for which a stipulated penalty was paid or for other violations.

VII. SATISFACTION OF LAWSUIT AND RESERVATION OF RIGHTS

15. Compliance with the terms of this Consent Order shall constitute full satisfaction of any civil liability of Defendant to the State for the claims alleged in the Complaint and up to the date of the Court's entry of this Consent Order.

16. This Consent Order shall not be construed to limit the authority of the State to seek relief for violations not alleged in the Complaint, nor shall this Consent Order bar the State from bringing any action against Defendant for any violations that occur after entry of this Consent Order. The State expressly reserves, and this Consent Order shall be without prejudice to, any claims demands rights or causes of action, judicial or administrative, that the State may have or which may in the future apply against Defendant or others, regardless of whether such claim, demand, right, or cause of action was asserted in the Complaint.

17. Nothing herein shall be construed to relieve Defendant of its obligations to comply with applicable federal, State, or local statutes, regulations, rules, or ordinances.

VIII. MODIFICATION

18. No modification shall be made to this Consent Order without written agreement of the Parties.

IX. RETENTION OF JURISDICTION

19. The Court will retain jurisdiction of this action for the purpose of administering and enforcing Defendant's compliance with this Consent Order.

X. POTENTIAL FORCE MAJEURE

20. In any subsequent action by the State to enforce Paragraph 8 of this Consent Order, Defendant may raise that it is entitled to a defense that its failure to comply with Paragraph 8 was caused by reasons entirely beyond its control (i.e., force majeure).

21. If any event occurs that in Defendant's reasonable belief causes or may cause a delay in Defendant's compliance with Paragraph 8 of this Consent Order, Defendant shall notify Dale Warner, or his successor, at Ohio EPA, Division of Materials and Waste Management, Southeast District Office, 2195 Front Street, Logan, Ohio 43138, in writing, within ten (10) days of the event and request an extension of time to comply with Paragraph 8 of this Consent Order, describing in detail the anticipated length of the delay, the precise cause or causes of the delay, the measures taken and to be taken by Defendant to prevent or minimize the delay and the reasonable timetable by which measures will be implemented. Ohio EPA shall not unreasonably withhold its consent to a reasonable extension of time. Defendant will adopt all reasonable measures to avoid or minimize any such delay. Failure by Defendant to comply with the notice

requirements of this Paragraph shall constitute a waiver of Defendant's right to request an extension of its obligations under this Consent Order based on such incident.

XI. COSTS

22. Defendant is hereby ordered to pay the costs of this action.

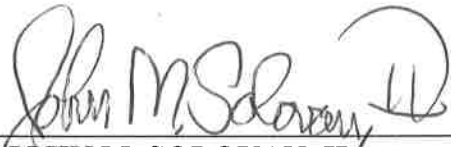
XII. ENTRY OF CONSENT ORDER AND JUDGMENT BY CLERK

23. Pursuant to Civ.R. 58, upon signing of this Consent Order by the Court, the clerk is directed to enter it upon the journal. Within three days of entering the judgment upon the journal, the clerk is directed to serve notice of the judgment upon all parties, including its date of entry upon the journal in the manner prescribed by Rule 5(B) of the Ohio Rules of Civil Procedure and note the service in the appearance docket.

XIII. SIGNATORIES

24. The signatory for Defendant represents that he is fully authorized to enter into the terms and conditions of this Consent Order and to legally bind Defendant to this Consent Order.

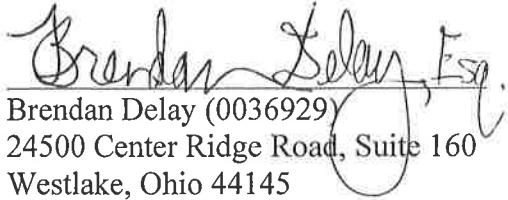
IT IS SO ORDERED:



HON. JOHN M. SOLOVAN, II
JUDGE, Belmont County Court of Common Pleas

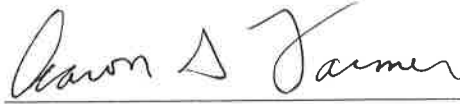
APPROVED BY:

MICHAEL DeWINE
OHIO ATTORNEY GENERAL



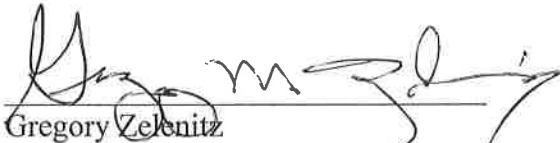
Brendan Delay (0036929)
24500 Center Ridge Road, Suite 160
Westlake, Ohio 44145
(440) 333-3708 Telephone
(440) 333-1319 Fax
brendandelay@ameritech.net

*Attorney for Defendant Ohio Valley
Industrial Properties, LLC*



AARON S. FARMER (0080251)
NICHOLAS J. BRYAN (0079570)
Assistant Attorneys General
Environmental Enforcement Section
30 East Broad Street, 25th Floor
Columbus, Ohio 43215
Telephone: (614) 466-2766
Facsimile: (614) 644-1926
Aaron.Farmer@OhioAttorneyGeneral.gov
Nicholas.Bryan@OhioAttorneyGeneral.gov

Attorneys for Plaintiff State of Ohio



Gregory Zelenitz
*Authorized Representative of Defendant
Ohio Valley Industrial Properties, LLC*

APPENDIX

Instrument
201400006637

201400006637
Filed for Record in
BELMONT COUNTY, OHIO
MARY CATHERINE NIXON, RECORDER
05-02-2014 At 02:19 pm.
AFF DEED 136.00
OR Book 474 Page 173 - 187

TRANSFER NOT NECESSARY
BT *[Signature]*
DATE 05-02-14
FRED F. BENNETT, P.E. P.S.
BELMONT COUNTY ENGINEER

TRANSFER NOT NECESSARY
5-2-14
A.L. SUTAK, AUDITOR
[Signature] DEPUTY

AFFIDAVIT OF FACT AND NOTICE OF THE PRESENCE OF ASBESTOS-CONTAINING WASTE MATERIALS

STATE OF OHIO :

COUNTY OF BELMONT :

Now comes Greg Zelenitz, who being first duly sworn according to law, deposes and states as follows:

1. That I am a member of Ohio Valley Industrial Properties, LLC, an Ohio limited liability company.
2. By virtue of a deed filed on January 14, 2010 at Number 239, Volume 214, Pages 601 through 608 ~ of the Belmont County Records, Ohio Valley Industrial Properties, LLC is the owner of certain real property located in the Township of Pease, Section 3, Township 6, Range 3, County of Belmont, and State of Ohio which is described as Tracts, I, II, III, IV, V, and Tract VI in the legal description attached as Exhibit A, except that Ohio Valley Industrial Properties, LLC transferred seventy percent of the mineral rights from the properties in the legal description attached as Exhibit A to Terry G. Lekanidis by deed filed on January 24, 2014 at Number 1167, Volume 448, Pages 914 through 918, of the Belmont County Records.
3. The land and building identified in the Weston Solutions, Inc. report attached as Exhibit B are situated within the bounds of the land description attached as Exhibit A, and have been used in the manufacturing of goods which contain asbestos regulated by Ohio Administrative Code Chapter 3745-20 and 40 C.F.R. part 61, subpart M.
4. Pursuant to the requirements of Ohio Administrative Code Rule 3745-20-07(E) and 40 C.F.R. 61.151(e), notice is hereby provided that asbestos-containing waste materials have been disposed on the property as identified in the Weston Solutions, Inc. report attached as Exhibit B. The disposal site is subject to the Ohio Administrative Code Chapter 3745-20 and 40 C.F.R. part 61, subpart M including but not limited to cover and access requirements and limitations regarding the excavation or other disturbance of the waste. Records pertaining to the disposal site and the asbestos-containing waste materials, including Global Positioning System coordinates and known quantities of asbestos-containing waste materials are on file and available for review and inspection at the following addresses:

Ohio Environmental Protection Agency
Southeast District Office
2195 Front Street
Logan, Ohio 43138

OR:

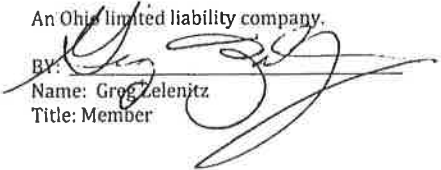
Ohio Environmental Protection Agency
Lazarus Government Center
Division of Air Pollution Control
P.O. Box 1049
Columbus, Ohio 43216-1049

4. FURTHER AFFIANT SAYETH NAUGHT.

IN WITNESS WHEREOF, I have hereunto set my hand, the 2nd day of MAY 2014.

OHIO VALLEY INDUSTRIAL PROPERTIES, LLC

An Ohio limited liability company.

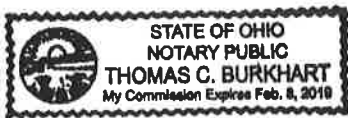
BY: 
Name: Greg Zelenitz
Title: Member

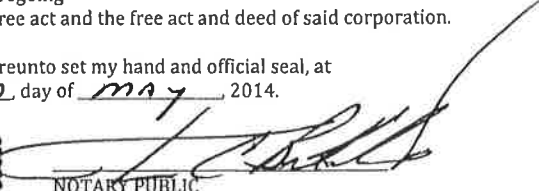
STATE OF OHIO

COUNTY OF BELMONT

BEFORE ME, a Notary Public in and for said County and State, personally appeared the above named Greg Zelenitz, the authorized member of OHIO VALLEY INDUSTRIAL PROPERTIES, LLC, who acknowledged that he did sign the foregoing Instrument and that the same is his free act and the free act and deed of said corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal, at Belmont, Ohio, this 2nd day of may, 2014.




NOTARY PUBLIC

This Document Prepared by:

Brendan Delay, Esq.
24500 Center Ridge Road
Suite 160
Westlake, Ohio 44145

Exhibit A - Land Description

The land description provided below should be identical to the land description in the deed transferring property from Rob Burgess Enterprises, LLC to Ohio Valley Industrial Properties, LLC filed on January 14, 2010 at Number 239, Volume 214, Pages 601 through 608 of the Belmont County Records and the land description in the deed transferring mineral rights from Ohio Valley Industrial Properties, LLC to Terry G. Lekanidis filed on January 24, 2014 at Number 1167, Volume 448, Pages 914 through 918, of the Belmont County Records. The land description has been reproduced below only for convenience. However, if the land description below differs in any way from the land description in the aforementioned deeds, the difference is simply an error in reproduction. The land description in the aforementioned deeds controls.

TRACT 1

The following described premises, situated in the Township of Pease, County of Belmont, and State of Ohio, and being a part of the north half of Section 3, Township 6, Range 3;

Beginning at an iron pin on the north line of a 1.74 acre tract of land conveyed by the Baltimore and Ohio Railroad Company, and the Real Estate and Improvement Company, to Baltimore Coal Corporation, and recorded in Volume 487, page 452, said iron pin beginning point is on the arc of a curve whose radius is 676.80 feet, whose length of curve is 470.20 feet, and whose long chord is South 51 degrees, 45 minutes East, 460.00 feet. Iron pin beginning point bears the following courses and distances from the north east corner of Section 3, Township 6, Range 3, South 1 degree, 29 minutes, 36 seconds West 1061.88 feet; North 89 degrees 44 minutes, 23 seconds West 1101.58 feet; South 8 degrees 21 minutes, 56 seconds West 190.00 feet; North 82 degrees, 55 minutes, 10 seconds West, 153.00 feet; South 1 degree, 27 minutes, 00 seconds West 410.01 feet to said place of beginning.

Thence with a curve and on a chord, South 67 degrees, 47 minutes, 30 seconds East 42.44 feet to an iron pin.

Thence North 81degrees, 18 minutes, 40 seconds West 40.00 feet to an iron pin.

Thence North 1 degree 27 minutes 00 seconds East 10.00 feet back to place of beginning and containing 0.0045 acres.

TRACT II

The following real property: Situated in the Township of Pease, County of Belmont, State of Ohio, and being a part of the northeast quarter of Section 3, Township 6, Range 3. Also being a part of a 1.74 acre tract as recorded in Volume 487, Page 452. This being an abandoned railroad spur.

Beginning at an iron pin at the southeast corner of this described tract, said iron pin bears South 38 degrees, 45 minutes, 50 seconds West 2110.38 feet from the northeast corner of said Section 3. Bearing at east line Section 3, being South 1 degree 29 minutes 36 seconds East.

Thence from the place of beginning, North 81 degrees 18 minutes 40 seconds West, 162.35 feet to a point; thence with a partial chord of a curve whose radius is 746.8 feet and length of curve being 309.34 feet, North 43 degrees 45 minutes West, 286.07 feet to a point; thence North 31 degrees 53 minutes West, 62.19 feet to a point; thence North 1 degree 05 minutes 14 seconds East, 137.75 feet to a point; thence South 27 degrees 51 minutes 08 seconds East 66.62 feet to a point; thence South 31 degrees 53 minutes East 105.80 feet to a point; thence with a partial chord whose radius is 676.8 feet and length of curve being 470.2 feet, South 51 degrees 45 minutes East, 385.10 feet to a point; thence South 1 degree 27 minutes West, 34.58 feet to place of beginning, containing 0.9564 acres.

The most northerly corner of the above tract, 12 feet in width more or less, being continuous part of a 40 foot right of way of an adjoining tract for the purpose of egress and ingress and for necessary utilities to adjoining lands.

TRACT III

Situated in the Township of Pease, County of Belmont, State of Ohio, and being a part of the Northeast Quarter of Section 3, Township 6, Range 3. Also, being part of a 99.89 acre tract as recorded in Volume 403, Page 230.

Beginning at an iron pin on the northeast corner of this described tract, said iron pin bears South 46 degrees 55' 15" West 1794.49 feet from the northeast corner of said Section 3. Bearing of east line of Section 3 being South 1 degree 29' 36" East.

Thence from the place of beginning South 1 degree 27' 00" West 385.43 feet to a point in a chord of an abandoned railroad spur; thence with said chord, whose radius is 676.8 feet and length of curve being 470.2 feet, North 51 degrees 45' 00" West, 385.10 feet to a point; thence North 31 degrees 53' 00" West, 105.80 feet to a point; thence North 27 degrees 51' 08" West, 66.62 feet to a point; thence North 1 degree 05' 14" East 31.80 feet to an iron pin; thence South 85 degrees 10' 36" East, 400.00 feet to place of beginning, containing 2.19753 acres.

A right of way, 40 feet in width, and parallel with the north line of above tract and parallel with the south right of way line on Interstate Route No. 70, is to be maintained for egress and ingress and necessary utilities to adjoining lands.

TRACT IV

Situated in the Township of Pease, County of Belmont, State of Ohio, and being a part of the Northeast Quarter of Section 3, Township 6, Range 3. Also, being part of a 99.89 acre tract as recorded in Volume 403, Page 230.

Beginning at an iron pin on the southwest corner of this described tract, said iron pin bears South 47 degrees 17' West 2336.62 feet from the northeast corner of said Section 3. Bearing of east line of Section 3 being South 1 degree 29' 36" East.

Thence from place of beginning North 1 degree 05' 14 East, 223.60 feet to a point in a southwest line of an abandoned railroad spur; thence South 31 degrees 53' East 62.19 feet to a point; thence with a partial chord of a curve of the abandoned railroad spur whose radius is 746.8 feet and length of curve being 309.34 feet, South 43 degrees 45' East 286.07 feet to a point; thence North 81 degrees 18' 40" West 237.65 feet to place of beginning, containing 0.5626 acres.

TRACT V

Situated in the Township of Pease, County of Belmont, State of Ohio, and being a part of the

north half of Section 3, Township 6, Range 3.

Beginning at an iron pin on the northwest corner of the 3.30 plus acre tract of land conveyed by the Lorain Coal and Dock Company to Joseph E. Zini, et al. and recorded in Volume 403, Page 230, said beginning point is also on the south boundary of Interstate 70, at Highway Station 1321 plus 35.43 at 244.96 right, which Station bears the following courses and distances from the northeast corner of Section 3, Township 6, Range 3. South 1 degree, 29 minutes 36 seconds West 1061.88 feet. North 89 degrees 44 minutes, 23 seconds West, 1101.58 feet. South 8 degrees 21 minutes, 56 seconds West 190.00 feet. South 70 degrees, 01 minutes, 40 seconds East, 244.23 feet to said place of beginning.

Thence following west line of the 3.30 plus acre tract, South 7 degrees 57 minutes 50 seconds East, 290.00 feet

Thence along the south line of the 3.30 plus acre tract, North 77 degrees 17 minutes 10 seconds East, 396.00 feet.

Thence North 60 degrees, 14 minutes 55 seconds East, 110.36 feet.

Thence North 21 degrees, 48 minutes West, 24.98 feet to an iron pin on Highway Station 1326 plus 1250 at 354 right.

Thence North 64 degrees, 30 minutes, 20 seconds East, 162.87 feet to an iron pin on Highway Station 1327 plus 52.00 at 293 right.

Thence North 59 degrees, 02 minutes, 10 seconds West, 61.81 feet to an iron pin.

Thence North 63 degrees, 23 minutes 10 seconds West, 102.91 feet to an iron pin on Highway Station 1326 plus 19 at 207 feet right.

Thence North 26 degrees, 48 minutes, 40 seconds East, 51.20 feet to an iron pin on south boundary of Interstate 70.

Thence South 85 degrees, 56 minutes 20 seconds West 45.00 feet to an iron pin on Highway Station 1326 plus 00 at 163.00 right.

Thence following north line of 3.30 plus acre tract, South 82 degrees, 06 minutes, 20 seconds West, 497.93 feet back to the place of beginning and containing 3.3335 acres.

TRACT VI

Situated in the Township of Pease, County of Belmont, State of Ohio, and being a part of the north half of Section 3, Township 6, Range 3.

Beginning at an iron pin on the south boundary of Interstate 70 at Highway Station 1319 plus 06.32 feet at 190.00 feet right. This tract being out of a 99.89 acre tract conveyed by the Lorain Coal and Dock Company to Joseph E. Zini, et al. and recorded in Volume 403, Page 230 said beginning point bears the following courses and distances from the northeast corner of Section 3, Township 6, Range 3. South 1 degree, 29 minutes, 36 seconds West 1061.88 feet. North 89 degrees, 44 minutes, 23 seconds West, 1101.58 feet. South 8 degrees, 21 minutes, 56 seconds West, 190.00 feet to said place of beginning.

Thence from said place of beginning, North 82 degrees, 55 minutes, 10 seconds West 155.00 feet to an iron pin.

Thence South 1 degree, 27 minutes, 00 seconds West, 410.01 feet to an iron pin on the north boundary of a 1.74 acre tract conveyed by the Baltimore and Ohio Railroad Company and the Real Estate and Improvement Company to Baltimore Coal Corporation.

Thence following the arc of a curve whose radius is 676.78 feet, whose length of curve is 470.20 feet, and whose long chord is South 51 degrees, 45 minutes East, 460.00 feet, and whose chord for this tract is South 67 degrees, 47 minutes, 30 seconds East, 42.44 feet to an iron pin.

Thence leaving 1.74 acre tract, South 81 degrees, 18 minutes, 40 seconds East, 191.66 feet to an iron pin.

Thence North 82 degrees, 49 minutes, 30 seconds East, 556.35 feet to an iron pin.

Thence North 46 degrees, 23 minutes East, 188.43 feet to an iron pin.

Thence North 21 degrees, 48 minutes West, 8.41 feet.

Thence South 60 degrees, 14 minutes, 55 seconds West 110.36 feet.

Thence South 77 degrees, 17 minutes, 10 seconds West 396.00 feet to the northwest corner of 2.20 plus acre tract.

Thence North 7 degrees, 57 minutes, 50 seconds West 290.00 feet to an iron pin on Highway Station 1321 plus 35.43 at 244.43 at 244.96 right.

Thence North 70 degrees, 01minutes, 40 seconds West, 244.23 feet back to the place of beginning, and containing 4.3012 acres.

Parcel Nos. 56-00050.000, 56-00051.000, 56-00052.000, 56-00053.000, 56-00054.000 and 56-00055-000.



Weston Solutions, Inc.
6779 Engle Road, Suite 1
Middleburg Heights, OH 44130-7952
440-202-2806 • Fax 440-243-7381
www.westonsolutions.com

February 14, 2011

Mr. James Augustyn
On-Scene Coordinator
United States Environmental Protection Agency
25089 Center Ridge Road
Westlake, OH 44145

Subject: Wheeling Brake Block Fund-Lead Removal
Bridgeport, Belmont County, Ohio
Technical Direction Document No.: S05-0003-1007-026
Document Control No.: 1214-2B-ALIA
WESTON START Contract No.: EP-S5-06-04
Work Order No.: 20405.012.001.1214.00
Revision 0.0

Dear Mr. Augustyn:

The United States Environmental Protection Agency (U.S. EPA) tasked the Superfund Technical Assessment and Response Team (START) contractor, Weston Solutions, Inc. (WESTON®), to provide information regarding the asbestos disposal areas located at the Wheeling Brake Block Site in Bridgeport, Belmont County, Ohio (the Site). The information regarding these asbestos disposal areas have been provided in accordance with the solid waste requirements in the Ohio Administrative Code Rule 3745-37-11(H) (5). These requirements state "the owner or operator shall record on the plat and deed to the landfill facility, property or on some other instrument which is normally examined during title search, that will in perpetuity notify any potential purchaser of the property, a notation describing the impacted acreage, exact location, volume, and nature of solid waste deposited in the unit(s) of the sanitary landfill facility."

Three asbestos disposal areas were generated at the Site as part of the removal activities. These three asbestos disposal areas include; the east pit asbestos disposal area inside the building, the west pit asbestos disposal area, and associated shallow trenches, inside the building, and the asbestos landfill located on the western portion of the Site. These asbestos disposal areas are identified in Attachment A.

WESTON START used a Trimble PRO-XRT w/Omni Star service to obtain the coordinates of the lateral extent of these asbestos disposal areas. Since Global Positioning System (GPS) coordinates could not be collected inside the building, GPS coordinates were collected outside the building in relation to the corners of the east and west pits which are located inside the

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1214-2B-ALIA

This document was prepared by Weston Solutions, Inc., expressly for U.S. EPA. It shall not be released or disclosed in whole or in part without the express written permission of U.S. EPA.

EXHIBIT B



Mr. James Augustyn
U.S. EPA, Region V

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Wheeling Brake Block Fund-Lead Removal
February 14, 2011

building. Each GPS coordinate identifies the distance and direction from the respective corner of the asbestos landfill/pit inside the building.

East Pit Asbestos Disposal Area Inside the Building

- The East Pit is located inside the northeast portion of the building. The Site address is 56100 Berkley Avenue (a.k.a. 100 West Boyd Avenue), Belmont County, Bridgeport, Ohio 43912.
- Impacted acreage = 555 square feet or 0.013 acres.
- Approximate depth = 5.5 feet deep (east end of east pit) to 6.5 feet deep (west end of east pit).
- Estimated volume of ACM in the pit = 65 cubic yards.
- Nature of solid waste = non-friable asbestos parts.
- Landfill cap = Orange safety fence was placed over the ACM debris along with asbestos signage. The cap is composed of eighteen inches of crushed stone and six inches of concrete.

GPS Coordinates Outside the Building for the East Pit

- Latitude 40°03'48.31907"N Longitude 80°46'31.87952"W is 74' north of the northwest corner of the east pit
- Latitude 40°03'48.34489"N Longitude 80°46'31.20233"W is 74' north of the northeast corner of the east pit
- Latitude 40°03'47.70911"N Longitude 80°46'30.05895"W is 71' east of the northeast corner of the east pit
- Latitude 40°03'47.63944"N Longitude 80°46'30.03011"W is 71' east of the southeast corner of the east pit

West Pit Asbestos Disposal Area and Associated Trenches Inside the Building

- The West Pit is located inside the northwest portion of the building. The Site address is 56100 Berkley Avenue (a.k.a. 100 West Boyd Avenue), Belmont County, Bridgeport, Ohio 43912.
- Impacted acreage = 875 square feet or 0.020 acres (just pit, not trenches).
- Approximate depth = 8.5 feet deep (east end of west pit) to 9 feet deep (west end of pit).

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1214-2B-ALIA

This document was prepared by Weston Solutions, Inc., expressly for U.S. EPA. It shall not be released or disclosed in whole or in part without the express written permission of U.S. EPA.



Mr. James Augustyn
U.S. EPA, Region V

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Wheeling Brake Block Fund-Lead Removal
February 14, 2011

- Estimated volume of ACM in the pit = 185 cubic yards.
- Nature of solid waste = non-friable asbestos parts.
- Landfill cap = Orange safety fence was placed over the ACM debris along with asbestos signage. The cap is composed of eighteen inches of crushed stone and six inches of concrete.

GPS Coordinates Outside the Building for the West Pit

- Latitude 40°03'48.29294"N Longitude 80°46'32.60064"W is 73' north of the northeast corner of the west pit
- Latitude 40°03'48.25731"N Longitude 80°46'33.49294"W is 73' north of the northwest corner of the west pit
- Latitude 40°03'47.42595"N Longitude 80°46'34.41639"W is 78' west of the northwest corner of the west pit
- Latitude 40°03'47.30371"N Longitude 80°46'34.40649"W WP-SW is 78' west of the southwest corner of the west pit

West Pit - West Trench

- Total volume inside the west trench = 113.3 cubic feet or 4.20 cubic yards.
- Estimated volume of ACM in the west trench = Residual quantity.
- Impacted acreage = 68 square feet or 0.002 acres.
- Approximate depth = 20 inches.
- Nature of solid waste = residual asbestos-contaminated dust/debris. Asbestos-contaminated surface debris on the floor was washed into this trench. The trench is primarily backfilled with stone and capped with concrete.
- Landfill cap = 14 inches of crushed stone and six inches of concrete.

West Pit - East Trench

- Total volume inside the west trench = 386.7 cubic feet or 14.3 cubic yards.
- Estimated volume of ACM in the west trench = Residual quantity.
- Impacted acreage = 232 square feet or 0.005 acres.
- Approximate depth = 20 inches.

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Wheeling Brake Block Fund-Lead Removal
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- Nature of solid waste = residual asbestos-contaminated dust/debris. Asbestos-contaminated surface debris on the floor was washed into this trench. The trench is primarily backfilled with stone and capped with concrete.
- Landfill cap = 14 inches of crushed stone and six inches of concrete.

Asbestos Landfill on the Western Portion of the Site

Information for the West Area Asbestos Landfill has been divided into three separate sections:

- West Area Sub-Grade/Historical Asbestos Trench Landfill
- West Area Asbestos Above-Grade Landfill Activity
- West Area Asbestos Landfill Cap

West Area Sub-Grade/Historical Asbestos Trench Landfill

- The Sub-Grade Asbestos Trench Landfill is located approximately 350 feet west of the northwest corner of the building on the west, undeveloped portion of the Site. The Site address is 56100 Berkley Avenue (a.k.a. 100 West Boyd Avenue), Belmont County, Bridgeport, Ohio 43912.
- Impacted acreage = 7,898 square feet or 0.181 acres.
- Approximate depth = 12 feet below grade.
- Estimated volume of ACM in the Sub-Grade Landfill = 3,510 cubic yards.
- Nature of solid waste = non-friable asbestos brake parts and ACWM (non-friable waste, friable waste and asbestos contaminated soil) removed/excavated from the subsurface asbestos disposal area in the west area.
- Landfill cap = Orange safety fence was placed over the ACM debris in each trench. Each landfill trench was capped, up to the existing grade, with two feet of non-asbestos contaminated soil. The above grade asbestos landfill was later placed on top of the sub grade asbestos trench landfill.

GPS Coordinates of the Perimeter of the Sub-Grade/Historical Asbestos Trench Landfill

- Latitude 40°03'48.87460"N Longitude 80°46'38'30937"W
- Latitude 40°03'48.84992"N Longitude 80°46'37'63786"W
- Latitude 40°03'48.76586"N Longitude 80°46'37'18083"W

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- Latitude 40°03'48.35114"N Longitude 80°46'38'81634"W
- Latitude 40°03'48.31895"N Longitude 80°46'38'19586"W
- Latitude 40°03'48.25770"N Longitude 80°46'37'72803"W
- Latitude 40°03'47.97404"N Longitude 80°46'37'65430"W
- Latitude 40°03'47.95454"N Longitude 80°46'37'32993"W

GPS Coordinates of the Original Landfill Location

- Latitude 40°03'48.50767"N Longitude 80°46'38'16590"W

West Area Above-Grade Asbestos Landfill Activity

- The Above-Grade Asbestos Landfill is located approximately 350 feet west of the northwest corner of the building on the west, undeveloped portion of the Site. The Site address is 56100 Berkley Avenue (a.k.a. 100 West Boyd Avenue), Belmont County, Bridgeport, Ohio 43912.
- Impacted acreage = 11,447 square feet or 0.263 acres.
- Approximate depth (thickness) = 5 feet near the center of the Above-Grade Asbestos Landfill and decreases in thickness near the perimeter of the lateral extent of the Above-Grade Asbestos Landfill.
- Estimated volume of ACM in the Above-Grade Landfill = 1,060 cubic yards.
- Nature of solid waste = non-friable asbestos brake parts and ACWM (non-friable waste, friable waste and asbestos contaminated soil) removed/excavated from the subsurface asbestos disposal area in the west area.

GPS Coordinates of the Perimeter of the West Area Above-Grade Asbestos Landfill

- Latitude 40°03'48.61324"N Longitude 80°46'39'28877"W
- Latitude 40°03'48.90305"N Longitude 80°46'38'42356"W
- Latitude 40°03'48.96019"N Longitude 80°46'37'55302"W
- Latitude 40°03'48.02955"N Longitude 80°46'37'63075"W
- Latitude 40°03'48.00914"N Longitude 80°46'38'50902"W
- Latitude 40°03'48.26629"N Longitude 80°46'39'14991"W

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West Area Above-Grade Asbestos Landfill Cap

Upon completion of removing the visually identifiable surface ACM from the west area of the Site, the clean clay soil was used to cap the Above-Grade Asbestos Landfill. Metal posts were installed within, and around the perimeter of the surface and subsurface asbestos ACWM. Prior to the addition of the soil cap, an orange safety fence was installed over the entire ACM disposal area. The cap of the Above-Grade Asbestos Landfill is 30" in thickness as requested by representatives of the Ohio EPA. The landfill cap will be seeded in the spring.

GPS Coordinates of the Western Perimeter of the West Area Above-Grade Asbestos Landfill Cap

- Latitude 40°03'48.51389"N Longitude 80°46'39.48938"W
- Latitude 40°03'48.91048"N Longitude 80°46'38.63512"W
- Latitude 40°03'48.95365"N Longitude 80°46'37.80910"W
- Latitude 40°03'48.02828"N Longitude 80°46'39.02342"W
- Latitude 40°03'47.74770"N Longitude 80°46'38.01737"W

The entire Above-Grade Asbestos Landfill and Below-Grade Asbestos Landfill were capped with 30 inches of clean soil. The area just east of the asbestos landfill was graded to tie-into the surrounding topography of the west portion of the Site.

GPS Coordinates of the Eastern Perimeter of the West Above-Grade Asbestos Landfill Cap

- Latitude 40°03'47.77904"N Longitude 80°46'36.83046"W
- Latitude 40°03'48.06399"N Longitude 80°46'36.25049"W
- Latitude 40°03'48.45975"N Longitude 80°46'36.15728"W
- Latitude 40°03'48.90300"N Longitude 80°46'36.25049"W
- Latitude 40°03'49.00590"N Longitude 80°46'36.94438"W

This correspondence serves as a request for information TDD deliverable for this Site. If you have any questions or comments regarding this report, please contact TJ McFarland or me.

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February 14, 2011

Sincerely,
WESTON SOLUTIONS, INC.

Andy Kiel
WESTON START Project Leader

TJ McFarland
WESTON START Project Manager

Attachments:
A - Figure

cc: WESTON START DCN Files

201400006637
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