

6684-2

HAZARDOUS WASTE
MANAGEMENT



AMTEXT/INC



Grayling

Not all applications are long runs of horizontal pipe. These Special Application AVAIL glovebags make your workers more productive on difficult vertical pipe, small valves and large vessels.

The AVAIL M6 is the perfect bag for small maintenance and repair operations where the work is on small pipe, valves and gaskets. The M6 has pre-cut openings, collars and fiberguard glovesleeves like the other AVAIL models.

Avail glovebags for vertical applications improve worker productivity by design features which assist in the removal process. Debris weight and bulk is channeled away from the work area by the built debris chamber. Awkward twisting and turning of the bag is eliminated due to the work area being separated from the debris area. Installation is quick, safe and secure with fitted collars and pre-cut bag openings.

M6 The perfect bag for repair and maintenance operations where the work is on small sections of vertical pipe.

AVAIL Special Application Glovebag System

apTM
durapax

Disposal
Bags
for asbestos
abatement

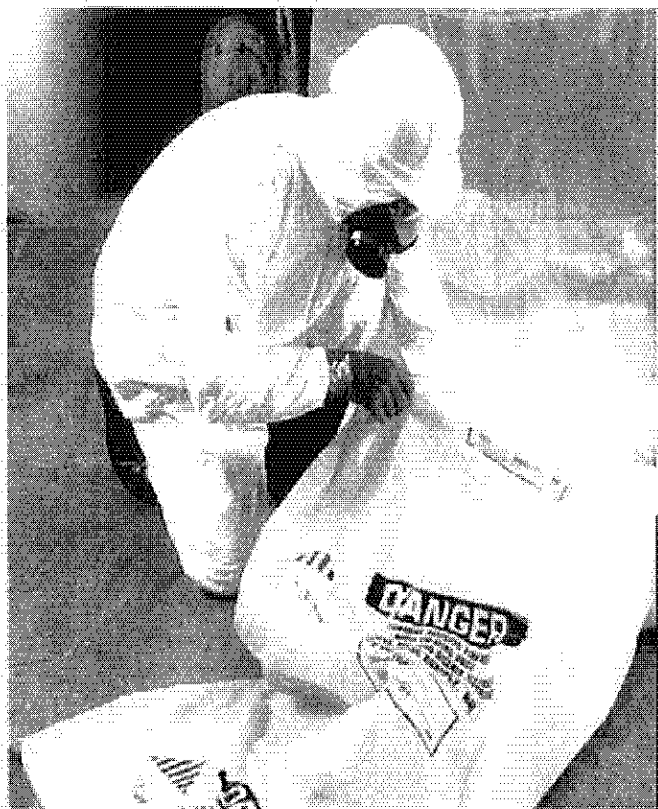


GraylineTM

d.TM
durapax

Disposal Bags for asbestos abatement

Grayling Industries' Durapax is a full line of industrial strength disposal bags for asbestos and other waste. Available in a variety of sizes, thickness, colors and printing. Bags are packaged on a roll and perforated for dispensing ease. In flat or gusset form, depending on bag size. Durapax disposal bags are extruded from resins that have exceptional strength, tear and puncture resistance for the most demanding waste disposal applications.



durapax
disposal bags are available
standard in clear, yellow and
black, with and without
printing, in sizes from 30"x40"
to 60"x72".

Other sizes, gauges, printing
and color combinations are
available as special order,
please contact your authorized
Grayling distributor for more
information.



Available in these stock sizes-

Description	Size	Part Number	Count	Weight
Clear/Printed	30" X 40"	02213040	100	30
Clear/Unprinted	30" X 40"	02203040	100	30
Clear/Printed	30" X 40" X 6mil	022130406	75	36
Clear/Printed	33" X 50"	02213350	100	41
Clear/Unprinted	33" X 50"	02203350	100	41
Clear/Printed	33" X 50" X 6mil	022133506	75	49
Clear/Unprinted	33" X 50" X 6mil	022033506	75	49
Clear/Printed	38" X 63"	02213863	75	45
Clear/Unprinted	38" X 63"	02203863	75	45
Clear/Printed	38" X 63" X 6mil	022138636	50	48
Clear/Unprinted	38" X 63" X 6mil	022038636	50	48
Clear/Printed	60" X 72"	02216072	50	58
Black/Printed	30" X 40"	02113040	100	30
Black/Unprinted	30" X 40"	02103040	100	30
Black/Printed	30" X 40" X 6mil	021130406	75	36
Black/Printed	33" X 50"	02113350	100	41
Black/Printed	33" X 50" X 6mil	021133506	75	50
Black/Printed	36" X 60"	02113660	75	41
Black/Unprinted	36" X 60"	02103660	75	41
Black/Printed	36" X 60" X 6mil	021136606	50	43
Black/Unprinted	36" X 60" X 6mil	021036606	50	43
Yellow/Printed	33" X 50" X 6mil	023133506	75	50

Other sizes, case quantities and mil gauges are available. 150 case minimum order quantity for special order bags.

FOR YOUR LOCAL DISTRIBUTOR
CALL 800-635-1551



Grayling Industries, Inc.
 1000 Branch Drive

Section 10

Project Notifications

ODH and OEPA Notifications shall be submitted prior job startup.

Section 11

Clearance Sampling Plan



RCS Environmental Group, Ltd.

2812 Shakercrest Blvd.
Beachwood, Ohio 44122

Phone (216) 378-0997
FAX (216) 464-6290

Precision Environmental Company
5500 Old Brecksville Road
Independence, Ohio 44131

July 14, 2011

Attn: Mr. Marc Garland, CSP
Safety Director

RE: **Cleveland Trencher**
Euclid, Ohio
Asbestos Sampling Plan (ASP)

Dear Mr. Garland,

RCS Environmental Group, Ltd. (RCS Environmental) is pleased to provide our Asbestos Sampling Plan in conjunction with the project at the Cleveland Trencher in Euclid, Ohio.

The following is an Asbestos Sampling Plan (ASP) guide for the abatement and cleanup activities being conducted at Cleveland Trencher located in Euclid Ohio. The ASP is the framework for conducting environmental monitoring during a complex asbestos abatement project.

The first step in developing an ASP is to determine the exposure pathways of potential receptor populations. It is important to consider multiple pathways, age and duration of exposure of said populations.

The site location is located in an industrial area with a significant portion of the buildings being vacant. Directly east southeast, is a large grassy/wooded area. No residential properties are located in the immediate area of the project work area. Based on visual inspections of field conditions the follow distinct receptor populations have been considered:

- Asbestos Workers
- Authorized Visitors to the Site
- Inspectors
- Down Wind Occupants of Industrial Buildings.

Daily Perimeter Air Monitoring

Perimeter Air Monitoring will be conducted on a daily basis. One perimeter sample will be collected upwind from the days planned abatement work. In addition, one sample will be collected within the Support Zone of the project. The additional perimeter samples will be collected downwind as close to the day's work area as possible. The exact location of the perimeter sampling will be determined daily based on wind direction and planned abatement activities.

All perimeter sampling will be conducted using 25 millimeter mixed cellulose ester cassettes (MCE) with a pore size of 0.8 micrometers. Samples will be analyzed using the NIOSH Method 7400 Phase Contrast Microscopy (PCM) techniques.

Any PCM result greater than 0.005 fibers per square centimeter will be further analyzed using NIOSH Method 7402. The NIOSH 7400 Method uses an electron microscope for the specific determination of asbestos fibers and bundles. The NIOSH 7402 method uses the fiber counting rules of the NIOSH 7400 PCM method (PCMe), therefore a more direct correlation can be made between the two methods.

Daily Personal Air Monitoring

RCS Environmental will conduct personal air monitoring of the abatement contractor's personnel. Samples will be conducted on approximately 25% of the contractor's workforce. Personal samples will be collected using calibrated low flow pumps. Samples will be analyzed using the NIOSH 7400 PCM method. Samples will be collected in a manner consistent with OSHA regulations for determining a Permissible Exposure Limit (PEL) and a 30-minute excursion limit.

Final Clearance Evaluation

All work areas will be visually inspected by a certified Asbestos Hazard Evaluation Specialist. The inspection will be thorough and complete as to identify any remaining asbestos dust or debris.

At the completion of the final visual inspection, the abatement activities for that work area will be deemed complete.

General

All laboratory analysis will be conducted using certified laboratories (AHIA, NAVLAP, etc.) All sampling equipment will be calibrated daily in the field with a rotameter which has calibrated by a primary standard.

RCS Environmental will conduct asbestos abatement oversight of contractor's work practices using trained and Ohio Department of Health Certified Asbestos Evaluation and/or Abatement Specialists. Specifically, RCS Environmental will;

1. Collect from the contractor all required submittals including, abatement permits, worker training and certifications, contractor certifications, license, and work plans.
2. Inspect and determine compliance with applicable regulatory standards each major phase of the project including, construction of the decontamination facility, construction of the containment barriers, abatement work practices, daily visual inspections of the containment, and final visual inspections.
3. Monitor and inspect the handling and removal of asbestos waste including, proper packaging of ACM prior to transport, documentation of the amount and condition of the ACM generated, and the signing and collection of all waste manifests.

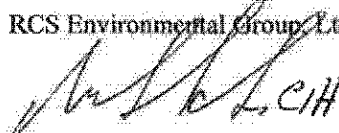


4. Document significant contractor work practices and activities in a daily project log, including contractors daily manpower, daily progression of the work, scope changes or modifications, and daily air monitoring results.

Should you have any questions regarding this Asbestos Sampling Plan, please feel free to contact me at (216) 378-0997. We look forward to the opportunity of working with you and Precision Environmental on this project.

Sincerely,

RCS Environmental Group Ltd.



Michael Schmidt, CIH
President



CERCLA 106(b) Petition

EXHIBIT 67



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
EMERGENCY RESPONSE BRANCH 1
25089 CENTER RIDGE ROAD
WESTLAKE, OH 44140

August 5, 2011

VIA UPS

Patrick J. Thomas, Esq.
Janik L.L.P.
9200 South Hills Boulevard
Suite 300
Cleveland, Ohio 44147-3521

Mark Scarpitti, Esq.
Oldham Kramer
195 South Main Street
Akron, Ohio 44308

Re: Cleveland Trencher Superfund Site, Euclid, OH
Unilateral Administrative Order (EPA Docket No. V-W-10-C-950)
Approval of Removal Action Work Plan

Dear Mssrs. Thomas and Scarpitti:

The U.S. Environmental Protection Agency (EPA), Region 5, has completed its review of the various draft removal action work plan documents you submitted to the EPA on behalf of your respective clients, Safe Environmental and the Joseph J. Piscazzi Revocable Living Trust, in response to the Unilateral Administrative Order (EPA Docket No. V-W-10-C-950) dated June 21, 2010, and the Order Amendment dated July 27, 2010 (collectively, the "UAO"). In particular, the EPA has completed its review of the following submissions:

- the document titled "Cleveland Trencher; Asbestos Abatement & Hazardous/Regulated Cleanup; Euclid, OH; Health & Safety Submittals" (hereinafter, the "Removal Action Work Plan") prepared by Precision Environmental Co. ("Precision"), dated July 26, 2011, and submitted to the EPA on July 26, 2011, and
- the document titled "Site Specific Work Plan and Health and Safety Plan: Asbestos Abatement and Hazardous/Regulated Waste Cleanup" prepared by Precision and submitted to the EPA on August 1, 2011, as a revision to the above document.

429-8
8/9/11

The above were preceded by the July 8, 2011, Notice of Intent to Comply letters you each sent to the EPA on behalf of your respective clients, indicating their present intent to together conduct the work required by the UAO.

By this letter, the EPA hereby approves the Removal Action Work Plan dated July 26, 2011, subject to the subsequent August 1, 2011 revision. This approval includes the implementation schedules contained in the Removal Action Work Plan. Upon approval, the Removal Action Work Plan, its schedules, and any subsequent modifications shall be incorporated into the UAO and shall be fully enforceable under the UAO.

Precision and its subcontractor, RCS Environmental Group LLC, may contact me at (440) 250-1718 or (440) 241-3620 if there are questions pertaining to implementation of the approved Removal Action Work Plan. Please direct any legal questions to Kevin Chow, Associate Regional Counsel, at (312) 353-6181. Thank you for your anticipated cooperation in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen Wolfe for SW". The signature is fluid and cursive, with a large initial "S" and "W".

Stephen Wolfe
On-Scene Coordinator

CERCLA 106(b) Petition

EXHIBIT 68

From: [Patrick Thomas](#)
To: ["Chow.Kevin@epamail.epa.gov"](mailto:Chow.Kevin@epamail.epa.gov)
Cc: ["Savage, John"](#); ["jsavage@penv.net"](mailto:jsavage@penv.net); ["Stephen Wolfe"](#)
Subject: Nationwide Demo. - JLLP #929-8 -- PRIVILEGED COMMUNICATION
Date: Wednesday, August 10, 2011 2:02:00 PM

Kevin,

Per our discussion yesterday, Precision and Safe Environmental have agreed that the official start date should be amended from August 15, 2011 to August 22, 2011. Modifications in the Work Plan, the estimate for cleanup and the recent letter from the EPA has required us to re-work some of the provisions between Precision and Safe Environmental. This is, of course, new matter that has required the need for additional time to work out the arrangements between Safe Environmental and Precision. As a result, we will likely require more than three business days to put our agreement for cleanup in place. Please be assured that Safe Environmental is still committed to its Intent to Comply.

We request that the EPA accept this modification and ask for your approval in writing. Also, you indicated yesterday that a letter sent to me by the EPA has a "modification" section, but I do not have the letter in my possession. If you could forward a copy of that I would appreciate it.

John Savage, who is copied on this e-mail, will handle any changes in notification forms. Mr. Savage has also requested permission to mobilize prior to the modified start date of August 22. We do not object to this request as Mr. Savage understands that all agreements between Precision and Safe Environmental are subject to the terms agreed upon in our contract.

Regards,

Patrick J. Thomas
Janik L.L.P.
9200 South Hills Blvd.
Cleveland, OH 44147
440.740.3036 Direct
440.838.7600 Firm
440.838.7601 Fax

CERCLA 106(b) Petition

EXHIBIT 69

From: [Patrick Thomas](#)
To: ["Savage, John"](#)
Cc: ["Chow, Kevin@epa.gov"](mailto:Kevin.Chow@epa.gov)
Subject: RE: Nationwide Demo. - JLLP #929-8 -- PRIVILEGED COMMUNICATION
Date: Wednesday, August 10, 2011 4:13:00 PM
Attachments: [LET 2011-08-09 Aydin to PJT \(00483113\).pdf](#)
[MSC 2011-08-03 Gary Thomas Consent Form \(00482353\).PDF](#)
[SIGNED ACCESS FROM GARY THOMAS.PDF](#)
[Cleveland Trencher Aydin Access.pdf](#)
[Piscazzi Trust Consent for Access.pdf](#)

John,

Please see attached entry agreements provided by Gary Thomas and Pauline Aydin authorizing Precision to have access to the Cleveland Trencher Property for cleanup of the site. Please also find attached access agreements obtained by the EPA from Aydin, Thomas and Joseph Piscazzi.

Please let me know if you have any questions or concerns.

Regards,

Patrick J. Thomas
Janik L.L.P.
9200 South Hills Blvd.
Cleveland, OH 44147
440.740.3036 Direct
440.838.7600 Firm
440.838.7601 Fax

PAULINE R. AYDIN
Attorney at Law
7100 Whipple Avenue NW, Suite B
North Canton, Ohio 44720

Tel: 330-499-1965
Fax: 330-499-1913

Toll Free: 1-800-821-7961
Email: paydinlegal@hotmail.com

FAX COVER LETTER

TO: Patrick J. Thomas, Esq.
FAX: 440-838-7601
FROM: Pauline R. Aydin
Attorney at Law
DATE: August 9, 2011
REF: EPA/Cleveland Trencher/Precision
PAGES: 1 + this cover

Dear Patrick:

I hope the attached works, it is the most I am willing to do on this matter.

Sincerely,


Pauline R. Aydin
Attorney at law

929-8
8/9/11

**STATEMENT REGARDING ACCESS TO PROPERTY
CLEVELAND TRENCHER SUPERFUND SITE**

Cleveland Trencher
20100 St. Clair Avenue
Euclid, Ohio 44117
Cuyahoga County

Name: Pauline Aydin: Widow of Metin Aydin, (deceased 03/01/11)

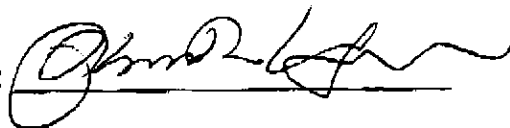
I, Pauline Aydin, as the widow of Metin Aydin, claim no right or interest in the above-referenced property whatsoever, and hereby state that I have never had any right or interest in such property; as such, I do not object to Precision Environmental Company, 5500 Old Brecksville Road, Independence, OH 44131-1508, ("Precision") its officers, employees, contractors, and authorized representatives entering and having continued access to this property for any reason, including the following reasons:

- Securing the property for removal and containing hazardous materials present on the property;
- Conducting monitoring and sampling activity;
- Preparing for and disposing of hazardous materials;
- Performing other actions to investigate contamination on the property that Precision or the United States Environmental Protection Agency ("EPA") may determine to be necessary; and
- Performing all mediation requirements mandated by the EPA.

I have been advised that Precision is entering the Property in response to the United States Environmental Protection Agency ("EPA") Unilateral Administrative Order Docket No. V-W-10-C-950 pursuant to the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, 42 U.S.C. § 9601 et seq.

I voluntarily do not object to Precision entering the property, on behalf of myself, with knowledge of my right to refuse and without threats or promises of any kind, because it is my position that I have not had any, nor do I currently have any right or claim to the property, nor do I wish to have any right or claim. I can not grant direct permission to enter (but rather state that I do not object to entry in general), because direct permission may imply liability or authority to grant such permission. I specifically hereby reject any liability of any kind that might be imposed on me directly or by implication, by the signing of this document. While the signing of this document is voluntary on my behalf, it is done at the request of Precision and the EPA to make their respective responsibilities easier to carry out, and because I do not wish, by my refusal, to be brought into any further legal proceedings about this matter.

Signature: _____



Date: _____

8/9/11

**CONSENT FOR ACCESS TO PROPERTY
CLEVELAND TRENCHER SUPERFUND SITE**

Address of Property:
Cleveland Trencher
20100 St. Clair Avenue
Euclid, Ohio 44117
Cuyahoga County

Name: Gary Thomas

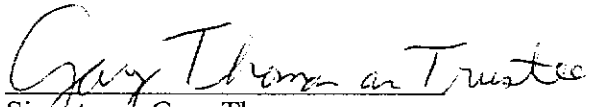
Title: Trustee Holder of Property, the Cleveland Trencher Company

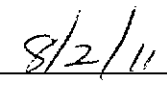
I, Gary Thomas, as Trustee, consent to allow Precision Environmental Company, 5500 Old Brecksville Road, Independence, OH 44131-1508, ("Precision") its officers, employees, contractors, and authorized representatives to enter and have continued access to this property for the following purposes:

- Securing the property for removal and containing hazardous materials present on the property;
- Conducting monitoring and sampling activity;
- Preparing for and disposing of hazardous materials;
- Performing other actions to investigate contamination on the property that Precision or the United States Environmental Protection Agency ("EPA") may determine to be necessary; and
- Performing all mediation requirements mandated by the EPA.

I understand that Precision is entering the Property in response to the United States Environmental Protection Agency ("EPA") Unilateral Administrative Order Docket No. V-W-10-C-950 pursuant to the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, 42 U.S.C. §9601 et seq.

This written permission is given by me voluntarily, on behalf of myself and all other co-owners of this property, with knowledge of my right to refuse and without threats or promises of any kind.


Signature: Gary Thomas
TRUSTEE


Date



**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY**

**CONSENT FOR ACCESS TO PROPERTY
CLEVELAND TRENCHER SUPERFUND SITE**

Page 1 of 2

Address of Property: 20100 St. Clair Avenue
City of Euclid, Cuyahoga County, Ohio 44117

Name: GARY L. THOMAS

Title: TRUSTEE

I consent to officers, employees, contractors, and authorized representatives of the United States Environmental Protection Agency (U.S. EPA) entering and having continued access to this property for the following purposes:

Securing the property and containing hazardous materials present on the property;

Conducting monitoring and sampling activity;

Preparing for and disposing of hazardous materials;

Performing other actions to investigate contamination on the property that U.S. EPA may determine to be necessary; and

Taking any response action to address any release or threatened release of a hazardous substance, pollutant or contaminant which U.S. EPA determines may pose an imminent and substantial endangerment to the public health or the environment.

I realize that these actions taken by U.S. EPA are undertaken pursuant to its response and enforcement responsibilities under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, 42 U.S.C. §9601 *et seq.*

I realize that U.S. EPA seeks access from me due to U.S. EPA's information and belief that I hold indicia of ownership in the property. I make no admissions to such claims.

CONSENT FOR ACCESS TO PROPERTY
CLEVELAND TRENCHER SUPERFUND SITE

Page 2 of 2

This written permission is given by me voluntarily with knowledge of my right to refuse and without threats or promises of any kind.

My signature and consent to access do not constitute a waiver of any claim or defense I may have, nor does it constitute an admission of ownership or liability on my behalf for any purpose whatsoever, including but not limited to any liability under CERCLA Section 107(a), 42 U.S.C. § 9607(a).

Date: 4/20/10

Signature: Gary B. Thomas, as Trustee

Mailing
Address: P.O. Box 1052
AKRON, OH. 44309

U.S. ENVIRONMENTAL PROTECTION AGENCY

25089 CENTER RIDGE ROAD
WESTLAKE, OHIO 44145



Telephone Number : 440-250-17¹⁸**
Fax Number: 440-250-1750
Mail Code: ME-W

TO: Pauline R. Aydin

ORGANIZATION: Attorney Cleveland Trencher

FAX NUMBER: 330-499-1913

NO. OF PAGES (INCLUDING COVER): 4

FROM: Stephen Wolfe USEPA OSC

MESSAGE: Attached is the Access Agreement Kevin Chow

Spoke with you about today

FACSIMILE TRANSMISSION COVER SHEET
THE INFORMATION CONTAINED IN THIS
FAX IS INTENDED FOR THE RECIPIENT ONLY

** Phone extentions: Augustyn: 42; Auken: 41; Durno 43; Fredle: 40; Haidar 44; STIMPEL 17



UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 5
CLEVELAND OFFICE
25089 CENTER RIDGE ROAD
WESTLAKE, OH 44145-4170

February 18, 2010

ME-W

By Federal Express and Facsimile

Pauline R. Aydin
Attorney at Law
7100 Whipple Avenue NW, Suite B
North Canton, Ohio 44720

Re: Cleveland Trencher Superfund Site
Euclid, Cuyahoga County, Ohio

Dear Ms. Aydin:

Earlier today you spoke to Kevin Chow, Associate Regional Counsel, about the U.S. Environmental Protection Agency's need for access to conduct future activities at the Cleveland Trencher Superfund Site ("Site") located at 20100 St. Clair Avenue, Euclid, Cuyahoga County, Ohio 44117. In that conversation, you authorized EPA to have access to the Site to investigate and respond to conditions at the Site. It is EPA's understanding that The Cleveland Trencher Company ("Cleveland Trencher") is the current owner of record and holder of title to the property. While the Site is subject to a Deed in Trust filed February 15, 2002, that document merely granted the Joseph J. Piscazzi Revocable Trust (the "Trust") the right to sell the property in the event of a default by Cleveland Trencher. As of this date, the Trust has not conveyed title to another. The Trust has ceased all of its activities at the Site and is no longer present there.

Due to conditions at the Site, EPA has determined that response actions are necessary under EPA's authority pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, 42 U.S.C. . 9601 et seq.

Enclosed is a Consent for Access to Property form for your signature. This consent for access provides EPA and its representatives or contractors with the access needed to perform any necessary investigatory and cleanup activities. Please sign this consent for access and return it to me as soon as possible, but no later than February 24, 2010.

Please contact Kevin Chow, Associate Regional Counsel, at (312) 353-6181, if you have any questions concerning this matter. My phone number is (440) 250-1718. Thank you for your continued cooperation.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Stephen Wolfe', with a long horizontal flourish extending to the right.

Stephen Wolfe
On-Scene Coordinator

Fascimile number: (440) 250-1750
Mailing Address: 25089 Center Ridge Road
Westlake, Ohio 44145

Enclosure

cc: Kevin Chow (C-14J)
Carol Ropski (SE-5J)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

CONSENT FOR ACCESS TO PROPERTY CLEVELAND TRENCHER SUPERFUND SITE

Page 1 of 2

Address of Property: 20100 St. Clair Avenue
City of Euclid, Cuyahoga County, Ohio 44117

Name: JOSEPH J. PISCARZI, TRUSTEE OF JOSEPH J. PISCARZI
REVOCABLE TRUST

Title: TRUSTEE

I consent to officers, employees, contractors, and authorized representatives of the United States Environmental Protection Agency (U.S. EPA) entering and having continued access to this property for the following purposes:

Securing the property and containing hazardous materials present on the property;

Conducting monitoring and sampling activity;

Preparing for and disposing of hazardous materials;

Performing other actions to investigate contamination on the property that U.S. EPA may determine to be necessary; and

Taking any response action to address any release or threatened release of a hazardous substance, pollutant or contaminant which U.S. EPA determines may pose an imminent and substantial endangerment to the public health or the environment.

I realize that these actions taken by U.S. EPA are undertaken pursuant to its response and enforcement responsibilities under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, 42 U.S.C. §9601 et seq.

I realize that U.S. EPA seeks access from the Joseph J. Piscarzi Revocable Trust (the Trust) due to U.S. EPA's information and belief that the Trust holds indicia of ownership in the property, a claim which I dispute on behalf of myself and the Trust.

CONSENT FOR ACCESS TO PROPERTY
CLEVELAND TRENCHER SUPERFUND SITE

Page 2 of 2

This written permission is given by me voluntarily with knowledge of my right to refuse and without threats or promises of any kind:

My signature and consent to access do not constitute a waiver of any claim or defense I or the Trust may have, nor does it constitute an admission of ownership or liability on my or the Trust's behalf for any purpose whatsoever, including but not limited to any liability under CERCLA Section 107(a), 42 U.S.C. § 9607(a).

Date:

4-27-10

Signature:

Joseph P. Piscopio Trustee

Mailing
Address:

2860 MARCIA BLVD.

CUYAHOGA FALLS, OH. 44223



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

CONSENT FOR ACCESS TO PROPERTY CLEVELAND TRENCHER SUPERFUND SITE

Address of Property: 20100 St. Clair Avenue
City of Euclid, Cuyahoga County, Ohio 44117

Name: _____

Title: _____, The Cleveland Trencher Company

I consent to officers, employees, contractors, and authorized representatives of the United States Environmental Protection Agency (U.S. EPA) entering and having continued access to this property for the following purposes:

Securing the property and containing hazardous materials present on the property;

Conducting monitoring and sampling activity;

Preparing for and disposing of hazardous materials;

Performing other actions to investigate contamination on the property that U.S. EPA may determine to be necessary; and

Taking any response action to address any release or threatened release of a hazardous substance, pollutant or contaminant which U.S. EPA determines may pose an imminent and substantial endangerment to the public health or the environment.

I realize that these actions taken by U.S. EPA are undertaken pursuant to its response and enforcement responsibilities under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, 42 U.S.C. §9601 et seq.

This written permission is given by me voluntarily, on behalf of myself and all other co-owners of this property, with knowledge of my right to refuse and without threats or promises of any kind.

Date: _____

Signature: _____

MESSAGE CONFIRMATION

FEB-18-2010 02:52 PM THU

FAX NUMBER :
NAME :

NAME/NUMBER : 913304991913
PAGE : 4
START TIME : FEB-18-2010 02:51PM THU
ELAPSED TIME : 00' 32"
MODE : STD ECM
RESULTS : [O.K]

U.S. ENVIRONMENTAL PROTECTION AGENCY

25089 CENTER RIDGE ROAD
WESTLAKE, OHIO 44145



Telephone Number : 440-250-17¹⁸**
Fax Number: 440-250-1750
Mail Code: ME-W

TO: Pauline R. Hydin

ORGANIZATION: Attorney Cleveland Troncher

FAX NUMBER: 330-499-1913

NO. OF PAGES (INCLUDING COVER): 4

FROM: Stellin Wolfe USEPA OSC

MESSAGE: Attached is the Access Agreement Kevin Chow

Spoke with you about today

FACSIMILE TRANSMISSION COVER SHEET
THE INFORMATION CONTAINED IN THIS
FAX IS INTENDED FOR THE RECIPIENT ONLY

** Phone extentions: Augustyn: 42; Auker: 41; Dumo 43; Fredle: 40; Haidar 44; STHELZ 17

From: Origin ID: NFBA (440) 250-1718
 Stephen Wolfe
 U.S. EPA
 9311 Groh Road



Ship Date: 18FEB10
 ActWgt: 1.0 LB
 CAD: 3450362/NET3010

Grosse Ile, MI 48138

Delivery Address Bar Code



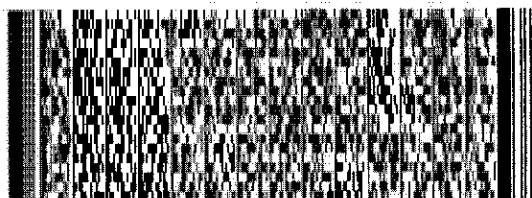
SHIP TO: (330) 499-1965 **BILL SENDER**
Pauline Aydin

Ref #
 Invoice #
 PO #
 Dept #

7100 WHIPPLE AVE NW STE B
NORTH CANTON, OH 44720

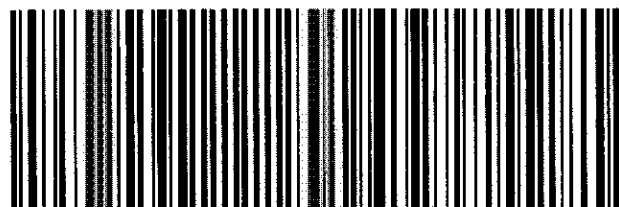
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PRIORITY OVERNIGHT

TRK# 7932 8150 1039
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CERCLA 106(b) Petition

EXHIBIT 70



UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION V
RESPONSE SECTION I
25089 CENTER RIDGE ROAD
WESTLAKE, OHIO 44145
(216) 835-5200



TEAM WESTLAKE

U.S. MAIL

ME-W

Patrick J. Thomas, Esq.
Janik L.L.P.
9200 South Hills Boulevard
Suite 300
Cleveland, OH 44147-3521

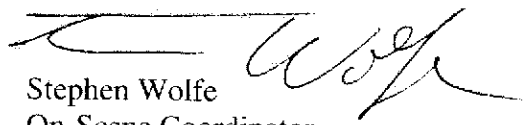
Re: Cleveland Trencher Superfund Site, Euclid, OH
Unilateral Administrative Order (EPA Docket No. V-W-10-C-950)
Modification of Removal Action Work Plan Schedule

Dear Mr. Thomas:

The U.S. Environmental Protection Agency, Region 5 hereby approves your e-mail request of August 10, 2011, on behalf of Safe Environmental, to modify the start date for implementing the approved Removal Action Work Plan from August 15, 2011, to August 22, 2011. This approval is limited to the start date only and is not intended to affect the anticipated time frame to complete the project or any other date set forth in the implementation schedule. You also conveyed the request of Mr. John Savage of Precision Environmental Co. to mobilize to the Site prior to the new start date. EPA approves the request. Such approval is limited to mobilization activities only.

I may be contacted at (440) 250-1718 or (440) 241-3620 if there are questions pertaining to implementation of the approved Removal Action Work Plan. Please direct any legal questions to Kevin Chow, Associate Regional Counsel, at (312) 353-6181.

Sincerely,


Stephen Wolfe
On-Scene Coordinator

cc: Kevin Chow (C-14J)
Carol Ropski (SE-5J)

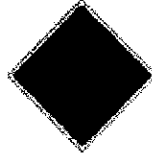
Mark Scarpitti, Esq.
Oldham Kramer
195 South Main Street
Akron, OH 44308

CERCLA 106(b) Petition

EXHIBIT 71

9200 South Hills Blvd.
Suite 300
Cleveland, OH 44147-3521
(440) 838-7600
(440) 838-7601 (Fax)

250 Civic Center Drive
Suite 500
Columbus, OH 43215
(614) 835-0000
(440) 740-3013 (Fax)



JANIK L.L.P.
Attorneys at Law

100 Wilshire Blvd.
Suite 950
Santa Monica, CA 90401
(310) 394-8600
(440) 740-3023 (Fax)

5 Office Way
Suite 100
Hilton Head Island, SC 29928
(843) 715-9311
(440) 740-3061 (Fax)

**Direct Dial
(440) 740-3036 – Thomas**

October 3, 2011

Kevin Chow
Associate Regional Counsel
United States Environmental Protection Agency – Region 5
77 West Jackson Boulevard, C-14J
Chicago, IL 60604-3590

**RE: Unilateral Administrative Order Docket No. V-W-10-C-950
Cleveland Trencher Site, Euclid, Ohio
Replying to the Attention of S-6J**

Dear Mr. Chow,

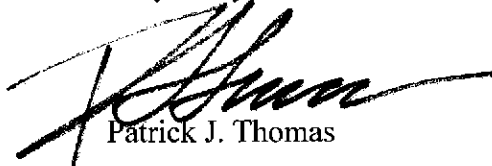
Pursuant to the requirements of Unilateral Administrative Order Docket No. V-C-10-C-950, please accept Safe Environmental's request for an enlargement of time for completion of clean-up of the Cleveland Trencher Site ("Site"). The Work Plan submitted by Safe Environmental and approved by the Environmental Protection Agency ("Agency") on August 5, 2011, proposed a completion date of September 27, 2011. It is our understanding from communication with Stephen Wolfe and Precision Environmental ("Precision"), that the waste site utilized by Precision was unable to accept removed material at the rate Precision had removed it from the Site. It is our understanding as of today that all material has been removed from the Site and the demobilization is in process. Precision has also informed that it will complete the Work Plan for asbestos removal by the end of this week.

In order to account for this additional time and any unforeseen events for completion of the Work Plan for asbestos removal, Safe Environmental requests that the Agency approve a Work Plan completion date of October 12, 2011.

Safe Environmental maintains that it is not a liable party to any condition at the Site, and submission of this request is not an admission of liability nor is it to be construed as an admission in any form.

{00492008; 1; 0929-0008}

Very Truly Yours,



Patrick J. Thomas

cc: Stephen Wolfe, OSC
U.S. Environmental Protection Agency
Mail code ME-W
25089 Center Ridge Road
Westlake, Ohio 44145
Mail Code ME-W

CERCLA 106(b) Petition

EXHIBIT 72

From: Chow.Kevin@epamail.epa.gov
To: Patrick.Thomas
Cc: Wolfe.Stephen@epamail.epa.gov; Fredle.Joseph@epamail.epa.gov; miscarpitti@day-ketterer.com
Subject: Re: Nationwide Demo. - JLLP #929-8 -- PRIVILEGED COMMUNICATION
Date: Wednesday, October 12, 2011 6:11:15 PM

Patrick,

On behalf of and as authorized by EPA On-Scene Coordinator Joe Fredle, who is currently substituting for On-Scene Coordinator Steve Wolfe, I am communicating to you EPA's approval of an extension of the Work Plan completion date for the Cleveland Trencher Site, to October 26, 2011, pursuant to Section XI of the UAO, in order to accommodate remaining site work primarily pertaining to an underground storage tank, and to materials and debris on an old storage pad.

Kevin Chow
Associate Regional Counsel
EPA, Region 5
(312) 353-6181

Total Control Panel

[Login](#)

To: pat.thomas@janiklaw.com [Remove](#) this sender from my allow list

From:
chow.kevin@epamail.epa.gov

You received this message because the sender is on your allow list.

CERCLA 106(b) Petition

EXHIBIT 73

From: Chow.Kevin@epamail.epa.gov
To: miscarpitti@day-ketterer.com; [Patrick Thomas](#)
Cc: Wolfe.Stephen@epamail.epa.gov
Subject: Cleveland Trencher Site
Date: Monday, October 31, 2011 11:49:52 AM

Pat and Mark,

On behalf of and as authorized by EPA On-Scene Coordinator Stephen Wolfe, I am communicating to you EPA's approval of an extension of the Work Plan completion date for the Cleveland Trencher Site, to November 14, 2011, pursuant to Section XI of the UAO, in order to accommodate completion of remaining site work, i.e., disposal of remnant materials and debris from the old storage pad.

Kevin Chow
Associate Regional Counsel
EPA, Region 5
(312) 353-6181

Total Control Panel

[Login](#)

To: pat.thomas@janiklaw.com [Remove](#) this sender from my allow list

From:

chow.kevin@epamail.epa.gov

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CERCLA 106(b) Petition

EXHIBIT 74



5500 Old Brecksville Road • Independence, Ohio 44131
(216) 642-6040 • fax (216) 642-6041

November 1, 2011

Mr. Patrick Thomas
Janik L.L.P.
9200 South Hills Blvd.
Cleveland, OH 44147

RE: Cleveland Trencher
20100 St. Clair Avenue
Cost Recap/Close-out Documents

Dear Mr. Thomas:

Please find attached a cost recap for work performed on the above referenced project.

Additionally, please find close-out documents including disposal manifests along with related invoice; air monitoring disposal manifest documentation to follow.

If you require further information please contact me at 216-642-6040.

Sincerely,

A handwritten signature in black ink that reads "John E. Savage". The signature is written in a cursive, slightly slanted style.

John E. Savage
Vice President

JES: bj

11-2-11
929-8



INVOICE

5500 Old Brecksville Road • Independence, Ohio 44131
 (216) 642-6040 • fax (216) 642-6041

Invoice Date Customer ID Invoice ID
 10/31/2011 64412 27575

Work Order

To.
 Safe Environmental Corporation
 c/o Mr Patrick Thomas
 Janic L.L.P.
 9200 South Hills Boulevard
 Cleveland, OH 44147

Job Location
 1105205
 Cleveland Trencher
 20100 St. Clair Avenue
 Cleveland, OH

Description	Amount
Work performed at Cleveland Trencher	
Base Work	
Work Plan	3,000.00
Asbestos Abatement - 792 Tons	189,000.00
Monitoring	14,740.00
	<u>206,740.00</u>
Additional Tonnage (Total Tons 1,637.14)	
845 divided by 12 Tons = 70.42 and 1390	97,883.00
	<u>304,623.00</u>
Less Cap Guarantee	-9,003.00

Amount Billed \$295,620.00
 Total Tax

Due Date: 11/30/2011

Invoice Amount \$295,620.00

JLLP-PRECISION 000001



Cleveland Trencher

Cost Recap

Base Work:

Work Plan	\$ 3,000.00
Asbestos Abatement (792 tons)	\$ 189,000.00
Monitoring	\$ 14,740.00
Sub-Total	\$ 206,740.00

Additional Tonnage (Total Tons 1,637.14):

845/12	
70.42 * 1,390	
	\$ 97,883.00
Sub-Total	\$304,623.00
Less Cap Guarantee	(\$ 9,003.00)

Total Amount Due \$295,620.00

CERCLA 106(b) Petition

EXHIBIT 75

9200 South Hills Blvd.
Suite 300
Cleveland, OH 44147-3521
(440) 838-7600
(440) 838-7601 (Fax)



100 Wilshire Blvd.
Suite 950
Santa Monica, CA 90401
(310) 394-8600
(440) 740-3023 (Fax)

250 Civic Center Drive
Suite 500
Columbus, OH 43215
(614) 835-0000
(440) 740-3013 (Fax)

JANIK L.L.P.
Attorneys at Law

5 Office Way
Suite 100
Hilton Head Island, SC 29928
(843) 715-9311
(440) 740-3061 (Fax)

P. Thomas Direct:
(440) 740-3036

December 15, 2011

Richard C. Karl
Director, Superfund Division – Region 5
United States Environmental Protection Agency
77 West Jackson Boulevard
Chicago, IL 60604-3590

RE: Unilateral Administrative Order Docket No. V-W-10-C-950
Cleveland Trencher Site, Euclid, Ohio
Replying to the Attention of S-6J

**FINAL REPORT PURSUANT TO
UNILATERAL ADMINISTRATIVE ORDER SECTION 3.5**

Dear Mr. Karl:

Safe Environmental Corporation of Indiana (“Safe Environmental”) submits its Final Report pursuant to Section 3.5 of the Unilateral Administrative Order Docket No. V-W-10-C-950 (“UAO”) to the United States Environmental Protection Agency (“Agency”) relating to Safe Environmental’s compliance with the UAO through its abatement and removal of asbestos-contaminated material at the former Cleveland Trencher Factory, 20100 St. Clair Avenue, Euclid, Ohio (“Site”). On November 23, 2011, the Agency determined that all removal actions required under the UAO were completed. On November 29, 2011, the Agency issued the Final Pollution Report, which the Agency made available to Safe Environmental on December 12, 2011. In accordance with Section 3.5, this Final Report is submitted within sixty days of November 29, 2011.

Consistent with Safe Environmental’s prior communication to the Agency, including its October 20, 2010 Contest of Responsibility and Request for Release as a Responsible Party, Safe Environmental maintains that it had no direct or indirect involvement or association, even as a de micromis party, as an owner, operator, contractor or otherwise at the Site in 2007 or at any time and should not have been found to be a responsible party under the UAO. Submission of this

{00500543; 1; 0929-0008}

Final Report is not intended to be construed as an admission of liability, and Safe Environmental denies all liability under the UAO.

I. BACKGROUND

On June 14, 2007, the City of Euclid, Ohio issued a Notice of Violation and Condemnation to Site owners Joseph Piscazzi ("Piscazzi") and Gary Thomas ("Thomas") regarding demolition and abatement of the factory and structures on the Site. On August 9, 2007, Piscazzi and Thomas hired Affiliated Environmental Services ("Affiliated") to prepare an asbestos survey of the Site. Affiliated estimated asbestos removal at one hundred two thousand, four hundred fifty dollars (\$102,450.00). On August 14, 2007, Thomas and Nationwide Demolition ("Nationwide") entered into a contract whereby Nationwide agreed to demolish the factory and office buildings on the Site in exchange for seventy percent of the proceeds on the salvaged scrap metal.

On August 15, 2007, Nationwide sent the Affiliated estimate to Asbestek, Inc. ("Asbestek") with redacted estimate figures in order to solicit a bid for asbestos abatement. Asbestek, a one-man startup operation with no prior company contracts, agreed to perform abatement at the Site for fifty-thousand dollars (\$50,000). Despite entering into a contract with Nationwide, Asbestek did not have an Ohio Asbestos Abatement Contractor License ("Ohio License") required by the Ohio Department of Health ("ODH") and found itself unable to meet its contractual deadlines. To remedy this problem, Asbestek owner Tomas Amaya ("Amaya") schemed to "use" the Ohio License of Safe Environmental, with whom he had been an abatement supervisor since 2004. Without permission from Safe Environmental, Amaya fraudulently obtained a copy of Safe Environmental's Ohio License so that Asbestek could submit sham qualifications to the ODH.

On August 31, 2007, John Vadas ("Vadas"), the project manager hired by Amaya to oversee Asbestek's abatement at the Site, submitted Asbestek's application to ODH which fraudulently identified Safe Environmental's Ohio License number disguised with Asbestek's contact information. Accompanying Asbestek's ODH application was a Vadas-generated phony envelope purporting to show that the application was submitted by Safe Environmental. Vadas then surreptitiously submitted multiple revised Notification Forms to ODH in an effort to thwart ODH's unannounced monitoring of asbestos abatement at the Site.

On September 22, 2007, Asbestek began friable asbestos abatement at the Site. Under pressure from Nationwide to complete abatement due to volatile steel prices, and charged by its own interest in a hasty conclusion to the project, Asbestek advised Nationwide two days later on September 24, 2007, that it had completed abatement when Asbestek knew this report to be false. Also on September 24, 2007, Nationwide commenced demolition of the improperly abated Factory. On September 25, 2007, demolition was halted by the Ohio Environmental Protection Agency ("Ohio EPA") during an unannounced inspection. Subsequent to the incomplete asbestos remediation by Asbestek and the partial demolition by Nationwide, the Site was closed by the Ohio EPA once testing confirmed that the remaining structures and numerous piles of rubble were contaminated by friable asbestos.

II. THE UAO AND SAFE ENVIRONMENTAL'S COMPLIANCE

On June 21, 2010 the Agency issued the UAO naming former Site owner Metin Aydin, Piscazzi, Thomas, Nationwide and Asbestek as respondents and responsible parties under 42 U.S.C. § 9606(a) relating to the EPA's determination of hazardous substances at the Site, including asbestos, lead and methyl ethyl ketone.

On July 9, 2010, counsel for Nationwide notified the Agency about a pending civil action in the Ohio Court of Common Pleas for Richland County, Case No. 2008-CV-2002, wherein Nationwide sued Asbestek, Thomas, Piscazzi and Safe Environmental for negligence and breach of contract relating to abatement of asbestos at the Site. Counsel further provided the Agency an affidavit of Amaya for the purpose of compelling the Agency to add Safe Environmental as a respondent and liable party. The Agency obliged without further review.

On July 27, 2010, the Agency issued an amendment to the UAO naming Safe Environmental as a respondent and responsible party. The Agency made no specific findings of fact with respect to Safe Environmental beyond the language it used in the original UAO, but amended the language to add Safe Environmental as a contracting party with Nationwide and Asbestek based on the affidavit of Amaya.

On August 11, 2010, a Conference call was attended by counsel for Safe Environmental, Nationwide and Piscazzi, as well as Agency representatives Stephen Wolfe, Carol Ropski and Kevin Chow. At that time the Agency identified August 23, 2010, as the deadline for the Notice of Intent to Comply with the UAO, with deadlines for Work Plans and Safety Plans to follow statutorily thereafter.

On August 20, 2010, the Agency extended deadlines for the Notice of Intent to Comply, Work Plan and Safety Plan to September 21, 2010.

On September 20, 2010, the Agency again extended deadlines for the Notice of Intent to Comply, Work Plan and Safety Plan to October 21, 2010.

On October 18, 2010, Safe Environmental submitted to the Agency a formal Contest of Responsibility and Request for Release as a Liable Party. Safe Environmental provided the Agency sworn deposition testimony from Amaya refuting his own affidavit. The Agency declined to release Safe Environmental as a respondent.

On October 20, 2010, Safe Environmental submitted its Notice of Intent to Comply and Work Plan and Safety Plan. No other potentially responsible party met this deadline.

On November 8, 2010 the Agency requested clarification of Safe Environmental's Notice of Intent to Comply and found the Work Plan to be deficient.

On November 11, 2010, Safe Environmental provided cellular phone records to the Agency that further contradicted sworn statements made by Amaya.

On November 16, 2011 the Agency confronted Amaya with the cellular phone records obtained by Safe Environmental. Upon confrontation, Amaya modified his previously sworn testimony yet again, and similarly, the Agency declined to release Safe Environmental as a liable party.

On November 22, 2010, Safe Environmental made a monetary settlement offer to the Agency in an effort to resolve its status under the UAO pursuant to 42 U.S.C. §9622.

On November 22, 2010, the Agency rejected the settlement offer.

On June 30, 2011 the Agency advised Safe Environmental that its compliance under the UAO would be limited to asbestos removal.

On June 30, 2011, the Agency extended Safe Environmental's deadline for compliance to July 8, 2011.

On July 1, 2011, Safe Environmental submitted its Work Plan and Safety Plan for agreed-to preliminary review by the Agency.

On July 5, 2011, the Agency gave preliminary approval to Safe Environmental's Work Plan.

On July 8, 2011, Safe Environmental submitted a modified Intent to Comply. Specifically, Safe Environmental confirmed the Agency's prior approval that the Work Plan from Safe Environmental would be limited to asbestos contamination cleanup at the Site, that the cleanup of asbestos contamination would be performed by Precision Environmental, 5500 Old Brecksville Road, Independence, Ohio 44131 ("Precision"), that the cleanup of asbestos would commence August 15, 2011, and that the Agency would allow a reasonable period of time for submission of a revised Work Plan. In the Intent to Comply, Safe Environmental denied that the compliance was an admission of liability and specifically denied any liability with respect to the findings in the UAO.

On July 8, 2011, the Agency received and approved Safe Environmental's Intent to Comply.

On July 13, 2011, with authorization from the Agency, Safe Environmental submitted a revised Work Plan.

On July 14, 2011, with authorization from the Agency, Safe Environmental submitted its Asbestos Air Sampling Monitoring Plan.

On August 5, 2011, the Agency approved the Work Plan and the Asbestos Air Sampling Monitoring Plan.

On August 10, 2011, Safe Environmental requested an extension for the start date from August 15, 2011 to August 22, 2011.

On August 11, 2011, the Agency approved the start date of August 22, 2011.

On August 22, 2011, Precision commenced cleanup at the Site on behalf of Safe Environmental.

On October 3, 2011, Safe Environmental requested a modification of the completion date from September 27, 2011 to October 12, 2011.

On October 31, 2011, the Agency extended the completion date to November 14, 2011.

On November 23, 2011, the Agency conducted a final Site inspection. The Agency informed Safe Environmental that all cleanup requirements for friable asbestos under the UAO had been completed to the satisfaction of the Agency.

On November 29, 2011, the Agency issued its Final Pollution Report. The Final Pollution Report was not made available to Safe Environmental until December 12, 2011.

III. PROJECT SCOPE, PERFORMANCE, MONITORING, REMOVAL AND DISPOSAL

On behalf of Safe Environmental, Precision undertook decontamination, removal and disposal of asbestos contaminated material at and from the Site between August 22, 2011 and November 14, 2011. Precision followed the Work Plan submitted on July 26, 2011, attached hereto as Exhibit 1¹, and approved by the Agency on August 5, 2011, attached hereto as Exhibit 2. Under the Work Plan Precision removed and disposed asbestos-containing pipe insulation, hanging roof materials and debris piles, and decontaminated the interior building structures and exterior concrete slabs located throughout the Site. Removed material included steel, concrete, brick, wood, roofing material, plastic, insulation, fireproofing and other undetermined building components. During the removal period, Precision maintained Ohio License AC1154.

Precision transported all asbestos containing material to Minerva Enterprises, Inc., 9000 Minerva Rd., Waynesburg, OH 44688 ("Minerva") between September 6, 2011 and October 11, 2011. Minerva is licensed to accept asbestos-contaminated waste by the Ohio EPA through Permit No. P0104984. Precision removed one thousand six hundred thirty-seven and fourteen one-hundredths (1,637.14) tons of material from the Site to Minerva for disposal. Waste manifests, including dates, volumes and weights of transported material, are attached hereto as Exhibit 3. Exhibit 3 also contains certifications and licenses for Precision asbestos abatement supervisors and asbestos abatement workers, and contains waste manifests for asbestos contaminated material removal and disposal.

¹ Exhibits 1-4 are attached hereto as a pdf document on compact disc. Exhibit 1 may be found on page 1; Exhibit 2 on page 124; Exhibit 3 on page 127 and Exhibit 4 on page 353.

Asbestos removal was monitored by RCS Environmental Group, Ltd., 2812 Shakercrest Blvd., Beachwood, Ohio 44122 ("RCS"). On October 31, 2011, RCS prepared an Asbestos Monitoring Report which is attached as Exhibit 4. RCS conducted its monitoring by employing a Support Zone and a Decontamination Facility, a Personal Protective Equipment protocol, an Air Sampling Plan, a Daily Perimeter Air Monitoring Plan, a Daily Personal Air Monitoring Plan and a Final Clearance Evaluation. Exhibit 4 contains the following data: (1) Transmission Electronic Microscopy Air Monitoring Data Sheets; (2) Polarized Light Microscopy Data Sheets; (3) Daily Field Logs; and (4) Certifications. Analytical results for all data are contained in each respective section.

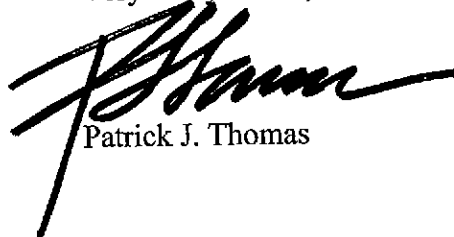
IV. COSTS

Safe Environmental incurred costs of two hundred ninety-five thousand, six hundred twenty dollars (\$295,620) for decontamination, removal, transportation and disposal requirements under the UAO through work performed by Precision, RCS and Minerva. The invoice for these costs is identified in Exhibit 3 and was collectively billed by Precision. Safe Environmental paid the invoice for all services in full on November 29, 2011.

IV. CERTIFICATION

Under penalty of law, I certify that, to the best of my knowledge, after appropriate inquiries of all relevant persons involved in the preparation of this report, the information submitted is true, accurate, and complete.

Very Truly Yours,



Patrick J. Thomas

cc: Stephen Wolfe, OSC
U.S. Environmental Protection Agency
Mail code ME-W
25089 Center Ridge Road
Westlake, Ohio 44145
Mail Code ME-W

Carol Ropski,
U. S. Environmental Protection Agency
Enforcement Services Section #1 Safe Environmental-5J
77 West Jackson Boulevard
Chicago, IL 60604-3590

Kevin Chow
Associate Regional Counsel

United States Environmental Protection Agency – Region 5
77 West Jackson Boulevard, C-14J
Chicago, IL 60604-3590

EXHIBIT 1

CLEVELAND TRENCHER

ASBESTOS ABATEMENT
&
HAZARDOUS/REGULATED CLEANUP

EUCLID, OHIO

HEALTH & SAFETY SUBMITTALS

Submitted June 30, 2011
Revised July 26, 2011

HEALTH & SAFETY PLAN

Table of contents

Site Specific Work Plan and Health and Safety Plan	Section 1
Emergency Plan and Phone List	Section 2
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Respiratory Protection Program	Section 6
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License, Worker's Compensation, Insurance	Section 8
Product Data and Material Safety Data Sheets	Section 9
Project Notifications	Section 10
Clearance Sampling Plan	Section 11

Section 1

Site Specific Work Plan

Site Specific Work Plan and Health and Safety Plan

Asbestos Abatement and Hazardous/Regulated Waste Cleanup

Cleveland Trencher Euclid, OH

Scope of Work (Asbestos) The project involves removal and disposal of asbestos-containing pipe insulation, hanging roof materials, debris piles, and decontamination of interior building structures, and exterior concrete slabs, located throughout the project site.

Worker Training, Personnel Protection & Safety All personnel working on this project will be as certified as an asbestos worker (including equipment operator) and/or an asbestos supervisors by the Ohio Department of Health and will have received the mandatory associated EPA training for each classification. Each worker shall also have 40-hour Hazardous Waste Operations Training (HAZWOPER). Each worker and supervisor is current in the required medical surveillance program. Each individual employee will be fit tested to ensure a proper fit of his or her respirator. Records of training, medical surveillance, and fit testing shall be kept on site and made available for inspection throughout the project.

All Precision Environmental personnel will be issued hard hats, work boots, and safety glasses to be worn at all times during the project. All personnel shall wear Tyvek suits, and, depending on the initial exposure assessments, half-mask respirators equipped with HEPA filters. All employees shall dispose of coveralls in dirty room, and shower and clean respirator prior to exiting the work area.

Ground Fault Circuit Interrupters (GFCI's) will be used according to 29 CFR 1926.404(b)(1)(ii).

In accordance with OSHA 29 CFR 1926.59, Hazard Communication, Precision Environmental Co. shall have on site a list of Hazardous chemicals to be used on site, a corresponding MSDS (Material Safety Data Sheet) for each chemical, and a copy of Precision Environmental's Written Hazard Communication Program.

Permits & Notifications Copies of all permits and notifications shall be forwarded to the owner's representative prior to commencing work.

Air Monitoring Precision shall collect all required OSHA personal air samples on 25% of the work force during asbestos abatement operations. A complete record of all personal air monitoring and results will be furnished to the owner's representative. Written reports of all air monitoring tests shall be posted at the job site or a central location on a regular basis.

*****Note Perimeter air sampling plan by RCS Environmental attached in separate document***

Asbestos Work Area Preparation & Removal Procedures All work area preparation and removal procedures described herein shall be supervised by a Competent Person. HEPA vacuums shall be utilized for all work procedures to collect small particles/debris resulting from asbestos removal and/or decontamination operations. Prior to commencing all asbestos removal work, Precision Environmental Co. shall post asbestos warning signs and danger tape as required by OSHA's Asbestos Standard for the Construction Industry, 29 CFR 1926.1101.

All asbestos-containing pipe insulation, to be removed per the specification's scope shall be removed using wet methods, and glovebag or wrap and cut methods. Pipe insulation shall be accessed with either aerial boom lifts or scissors lifts using appropriate personal fall protection.

*All asbestos-containing debris piles, hanging roof materials, and building decontamination to be removed per the specification's scope shall be removed using wet methods. Debris piles including one inch of soil underneath (where debris is on soil) shall be removed with skid steer loaders. Non-porous surfaces i.e. concrete slab shall be washed and left on site. Hanging roof material shall be accessed with either aerial boom lifts or scissors lifts using appropriate personal fall protection. **All concrete slab surfaces shall be cleaned, washed, and cleared to no visible remaining gross debris.***

***Note - North end office building shall have all windows and doors sealed with polyethylene sheeting from the inside and the entrance boarded up.*

Disposal - All asbestos containing waste materials shall be double bagged in 6-mil asbestos bags, or double wrapped in 6-mil poly sheeting, or placed in double lined dumpsters, shall bear asbestos labeling, generator information and shall be transported by and to an EPA approved asbestos landfill. Waste shipment records shall be maintained and copies shall be submitted upon removal of asbestos waste from the project site, and after arrival at the landfill. All DOT regulations shall be strictly adhered to.

Hazardous/Regulated Waste Removal Based on previous analytical and project site knowledge there are numerous containerized and drummed paints, coatings, oils, cleaners. The site is overgrown with vegetation and has potential chemical contact and inhalation hazards. PPE will include hard-hat, work boots, chemical resistant gloves, tychem suits, and safety glasses. Should drums need to be opened personnel shall wear half face or full face air-purifying respirators with combination chemical cartridges.

Characterization Previous Analytical, Field observations and subsequent verification will be used to characterize and classify listed containers and complete appropriate TSD facility profiles. Information used for characterization includes generator knowledge, obvious odors, obvious labels, visual inspection of color and texture, pH, MSDS sheets, and previous analysis. Additional analysis (as necessary) to complete a full characterization will be completed prior to the commencement of work. Completed profiles will be presented to the owner for review and signature. Signed profiles will be submitted to TSD's for disposal approvals.

Containerized Materials A number of containers (including 2 or 3 small above ground storage tanks) have been identified for removal. These containers were found to contain oil, oily water, grease, non-hazardous solid grease, sodium hydroxide, paint/thinners (pumpable), and paint/thinners (solid). Some of this material will be considered hazardous waste under RCRA, based on its characteristics and/or composition.

Each container will be evaluated for structural integrity. If any container is not in DOT shippable condition, the container will be repaired (replace lid, ring, bung/s), consolidated, over packed or repackaged.

All containers will be collected in a staging area in preparation for transportation off-site. The facility shall also be walked to verify that any containers previously unidentified or overlooked are collected. Similar materials, especially oils, may be bulked together into the same drum to facilitate shipping. Empty containers from this process will be labeled in preparation for shipment to a drum or metal scrap recycler.

Electrical Transformers Several pole-mounted electrical transformers have been identified on-site. These transformers have been identified as non- TSCA. These will be sent to a transformer recycler for appropriate handling. The recycler will verify the PCB levels prior to processing the transformers.

Decontamination and Disposal Any hand tools and non-disposable PPE that may come in direct contact with hazardous waste will be washed, if necessary in the *Contamination Reduction Zone*, with a mild detergent and water then rinsed with clean water. All wash/rinse waters along with any clothes, brushes, and/or paper produces used for cleaning/drying will be collected in appropriate containers for disposal. All used disposable PPE will be collected and discarded into appropriate containers.

Each container will be properly labeled/marked as required and appropriate shipping papers, manifest, and I.D.R's will be prepared for each container. Containers will be loaded into licensed transportation vehicles and transported to TSD's for final disposal.

At the completion of the project, the client/representative shall receive copies of all relevant paperwork related to transportation and disposal.. Client will have the option to inspect the site and approve prior to contractor's demobilization.

Decontamination Zones/Center

The objective of decontamination procedures is to minimize the risk of exposure to hazard substances by limiting the spread of contamination from the work area. Decontamination will be accomplished in accordance with 29 CFR 1910.120 and 29 CFR 1926.1101. The work area will be divided into 3 controlled zones. The zones will be known as the Exclusion Zone (contaminated zone), Contamination Reduction Zone or CRZ (decontamination zone), and the Support Zone (clean zone).

Exclusion (Hot) Zone (active work areas)

The exclusion zone is the work area where actual abatement operations are taking place. The perimeter of the exclusion zone shall be demarcated. Access restricted to only those personnel who have received certified training and are wearing the proper level of protection. Entry and exit in the exclusion zone must be made through the CRZ.

Contamination Reduction (Warm) Zone (decon trailer north end inside fence)

The purpose of the Contamination Reduction Zone (CRZ) is to limit the spread of contaminated material from the exclusion zone to the support zone. All equipment and PPE will be decontaminated in this area prior to entry into the support zone. This is effectively accomplished by the decontamination shower.

In compliance with 29 CFR 1926.1101 a three chambered personnel decontamination center shall be constructed at the entrance/exit of the work areas or a decon trailer provided. The personnel decontamination center shall consist of a clean room, shower and equipment room of sufficient size to accommodate the work crew as well as load-out activities.

Support (Cold) Zone (north end outside fence)

The support zone is the clean area outside the exclusion zone and the CRZ. No materials, tools, PPE, or personnel are permitted to enter this area without first passing through the CRZ.

Equipment Decontamination

Skid steer loaders, asbestos dumpsters, and other equipment that cannot be decontaminated through the personnel decontamination center shall be decontaminated prior to exiting or being removed from the work zones. This shall be done by rinsing the equipment over bermed polyethylene sheeting. All rinse water shall be collected and filtered prior to disposal.

Utilities

Upon mobilization to the project site, Precision shall establish necessary utilities needed for performance of the work. Water shall be obtained from adjacent hydrant(s) or utilization of water tanks. All necessary electrical service shall be obtained utilizing portable generators.

Fall Protection

Workers shall be properly trained in fall hazard recognition and in the use of all equipment that exposes an employee to a fall from height. Employees shall be trained in the use and inspection of personal fall protection. All workers will use personal fall protection in accordance with OSHA requirements when accessing unprotected surfaces. All employees shall be monitored for compliance by the competent person.

Housekeeping (work area safety)

During the course of this project form and scrap lumber with protruding nails, and all other debris and rubble, shall be kept cleared from work areas, passageways, and stairs, in and around buildings or other structures. Employees shall be advised to the hazards of wet walking surfaces when performing gross asbestos and debris removal.

Poison Ivy-Related Plants

Poison ivy, poison oak and poison sumac have poisonous sap (urushiol) in their roots, stems, leaves and fruits. The urushiol may be deposited on the skin by direct contact with the plant or by contact with contaminated objects, such as clothing, shoes, tools, and animals. Employees shall be advised to wear long-sleeved shirts and long pants, tucked into boots and wear cloth or leather gloves.

Insects and animals

Workers shall be protected from biting and stinging insects, by wearing long pants, socks, and long-sleeved shirts. Insect repellents that contain DEET shall be available to employees.

Employees shall be instructed to avoid dead and live animals as they can spread diseases such as Rat Bite Fever and Rabies. Employees shall be instructed to wash hands regularly, and to get medical attention immediately if bitten/scratched.

Heat Stress

Heat stress can be a serious health hazard for employees required to work while exposed to the sun or other heat sources. Supervisors and foremen should look continuously for symptoms and signs of heat stress-related disorders in employees.

Symptoms and Signs of Heat Stress

<u>Disorder</u>	<u>Symptoms</u>	<u>Signs</u>
Heat Exhaustion	Weakness Fatigue Blurred vision Dizziness Headache	High pulse rate Extreme sweating Pale face Insecure gait Normal to slightly elevated temperature
Heatstroke	Chills Restlessness Irritability	Red face Hot dry skin (usual) Disorientation High temperature (^a 104F) Erratic behavior Shivering Collapse Convulsions Unconsciousness

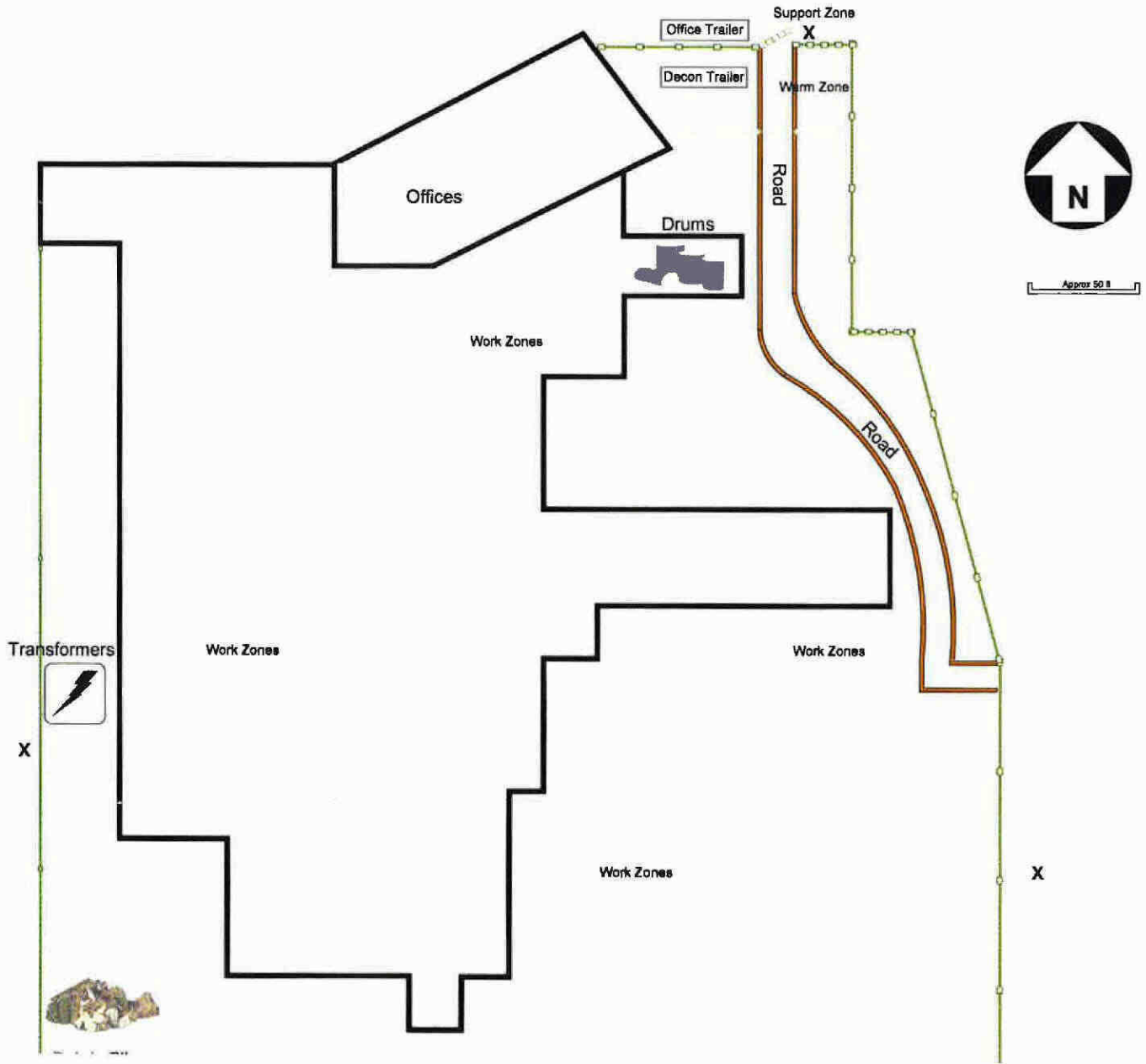
Precision shall provide trained persons to render first aid as follows:

1. To give first aid for heat exhaustion, lay the person down flat in a cool environment, loosen his or her clothing, and give him or her plenty of water to drink.
2. To give first aid for heat stroke, immediately start aggressive cooling of the person and get him or her to a hospital.

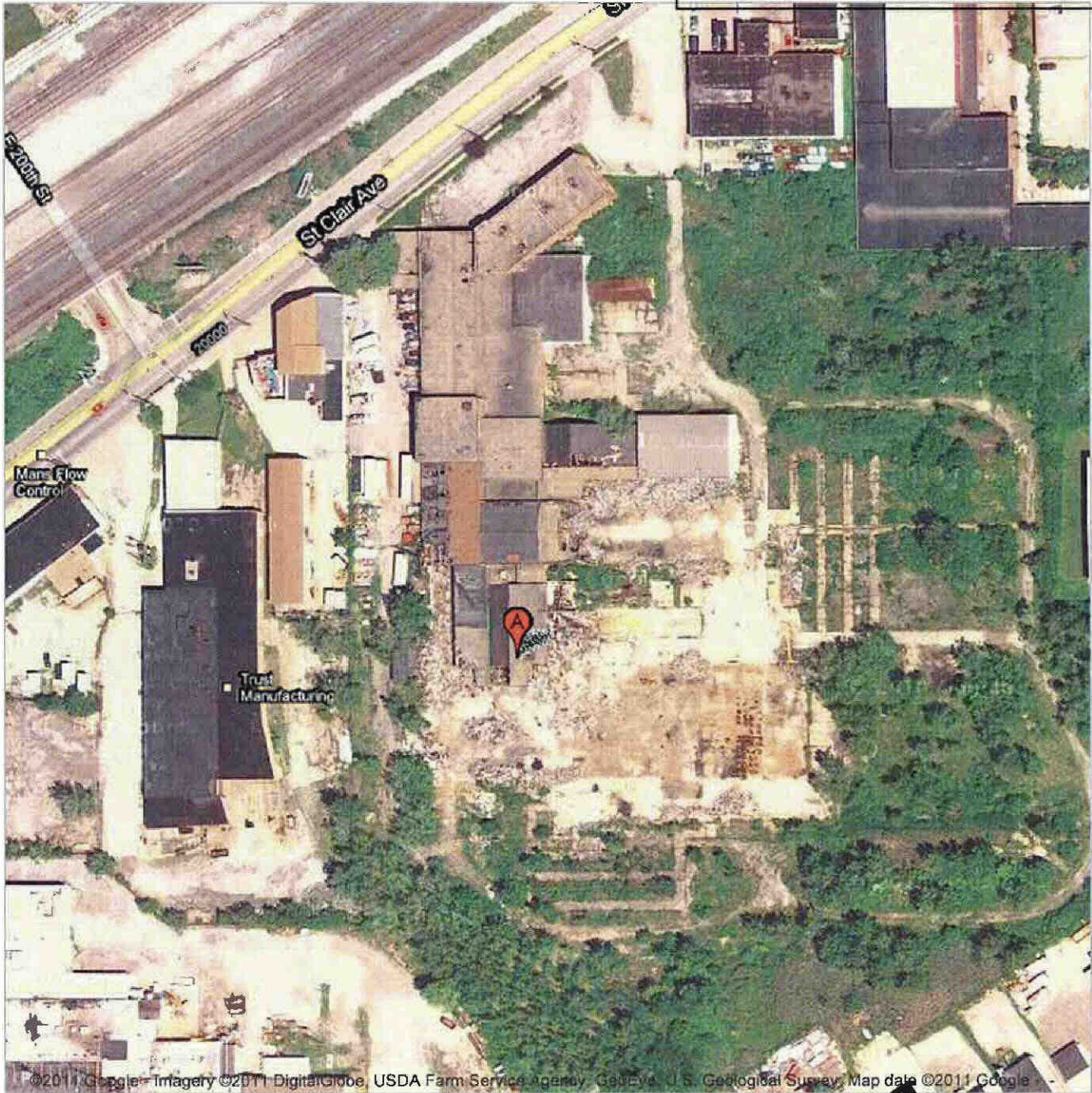
Precision shall protect employees from heat stress by:

1. Providing cool, potable water
2. Providing frequent cool-down breaks
3. Timing the heaviest work load for during the coolest part of the workday
4. Encouraging workers to drink water and to cool down
5. Looking for signs and symptoms of heat stress
6. Providing training on heat stress including prevention, recognition, and first aid

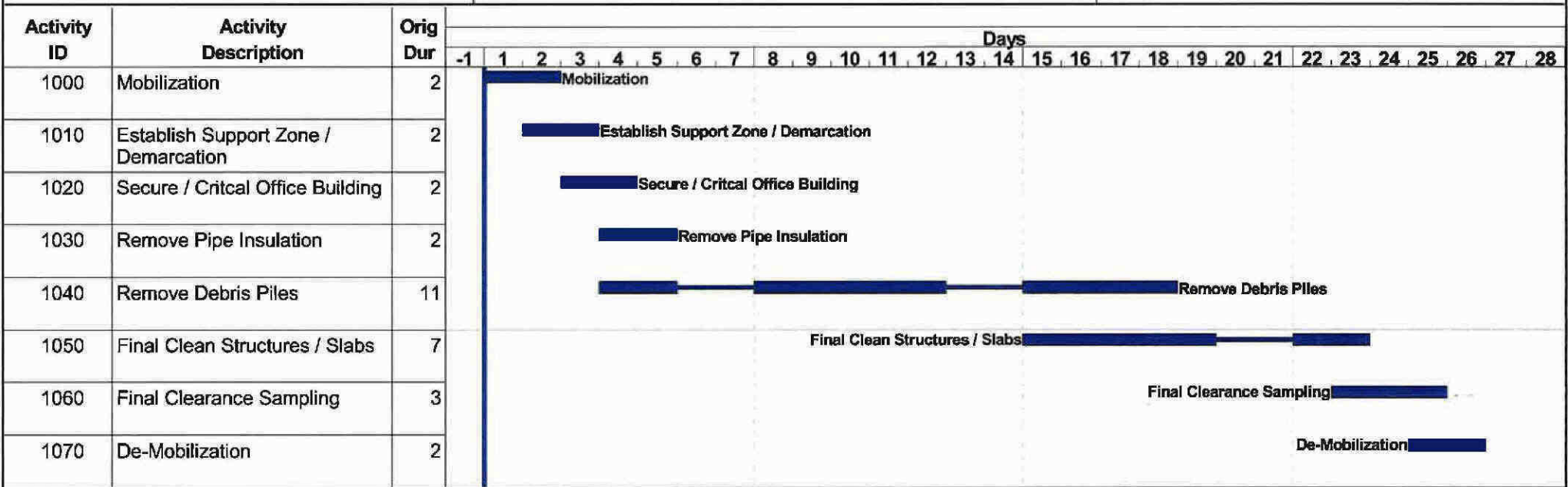
Cleveland Trencher
20100 St. Clair
Euclid, Ohio



To see all the details that are visible on the screen, use the "Print" link next to the map.



FORMER CLEVELAND TRENCHER FACILITY
20100 St. Claire Avenue
Euclid, Ohio



Section 2

Emergency Plan and Phone List