

Review Paycheck

Amaya, Tomas

Pay Period: 08/28/2007 - 09/01/2007

Use Direct Deposit

Item Name	Rate	Hours	W/C Code	Customer/Job	Service Item	Sick Available	Vacation Avail.	Sick Accrued	Vac. Accrued
Supervisor - IL5606	34.15	55.00		S607077 - Barat Col...	Environmental...	0:00	0:00		
Supervisor IL 5606 Time & 1/2	51.23	1:30		S607077 - Barat Collg...	Environmental...				

Totals: 1,272.10 36:30 hrs

Item Name	Rate	Quantity	Item Name	Amount	YTD
Other Payroll Items			Supervisor - IL5606	1,195.25	37,674.75
Union Dues	-2.75%	13.87	Supervisor IL 5606 Time & 1/2	76.65	569.87
Laborers' Pension & Wel.			Union Dues	-34.98	-824.45
Laborers' Work Dues	0.29	36.50	Federal withholding	-157.00	-6,125.00
			Social Security Employee	-76.87	-2,803.17
			Medicare Employee	-18.45	-655.58
			IL - Withholding	-32.39	-1,156.03

Item Name	Amount	YTD	Check Amount:
Company Summary			950.41
How are these items calculated?			
Laborers' Pension & Welfare	506.26	11,981.71	
Laborers' Work Dues	10.59	264.34	
Social Security Company	78.87	2,803.17	
Medicare Company	18.45	655.58	
Federal Unemployment	0.00	56.00	

OK Cancel Help

Lock Net Pay Unlock Net Pay Enter net/Calculate gross

WEEKLY TIMESHEET

JOB NAME:

Lake Forest

JOB NUMBER:

SPD 7077

WEEK ENDING:

09-01-07

STATE IL

SUPERVISOR:

Tomos Amaya

NAME	SUN	MON	TUES	WED	THUR	FRI	SAT	TOTAL	ACM 5472	NON ACM 5610	SUPERVISOR 5606	REGULAR HOURS	OVERTIME	DOUBLETIME	RATE	UNION
Tomos Amaya ✓	✓	8.5	8.5	3	8.5	8	✓	36.5								
Tyson Lovelace		8														
TOTALS																
	TOTAL MANDAYS								MANDAYS TO DATE							

Review Paycheck

Amaya, Tomas
 Pay Period: 09/02/2007 - 09/08/2007
 Use Direct Deposit

Item Name	Rate	Hours	WC Code	Customer/Job	Service Item	Sick Available	Vacation Avail.	Sick Accrued	Vac. Accrued
Supervisor - IL5606	34.15	16:00		Se07077 - Barst Col...	Demolition:1...	0:00	0:00		
Supervisor IL5606	34.15	16:00		Administrative	Administrative				

Other Payroll Items Totals: 1,092.60 32:00 hrs

Item Name	Rate	Quantity	Amount	YTD
Union Dues	-2.75%	32.00	546.40	38,767.55
Laborers' Pension & Wel...	13.87	32.00	546.40	38,767.55
Laborers' Work Dues	0.29	32.00	-30.05	-854.50
Company Summary			-112.00	-6,287.00
			-67.75	-2,870.92
			-15.85	-671.43
			-27.01	-1,193.04

Item Name	Amount	YTD
Laborers' Pension & Welfare	443.84	12,425.55
Laborers' Work Dues	9.28	273.62
Social Security Company	67.75	2,870.92
Medicare Company	15.85	671.43
Federal Unemployment	0.00	56.00

Employee Summary
 How are these items calculated?
 Item Name: Supervisor - IL5606 Amount: 546.40 YTD: 38,767.55
 Item Name: Supervisor - IL5606 Amount: 546.40 YTD: 38,767.55
 Item Name: Union Dues Amount: -30.05 YTD: -854.50
 Item Name: Federal Withholding Amount: -112.00 YTD: -6,287.00
 Item Name: Social Security Employee Amount: -67.75 YTD: -2,870.92
 Item Name: Medicare Employee Amount: -15.85 YTD: -671.43
 Item Name: IL - Withholding Amount: -27.01 YTD: -1,193.04
 Check Amount: 840.14

How are these items calculated?
 Lock Net Pay Unlock Net Pay Enter net/Calculate gross
 OK Cancel Help

Save & Close Revert

WEEKLY TIMESHEET

JOB NAME:

Lake Forest

JOB NUMBER:

STATE IL

WEEK ENDING:

09-08-02

SUPERVISOR:

Tomas Araya

NAME	SUN	MON	TUES	WED	THUR	FRI	SAT	TOTAL	ACM 5472	NON ACM 5610	SUPERVISOR 5606	REGULAR HOURS	OVERTIME	DOUBLETIME	RATE	UNION
Tomas Araya																
Tomas Araya	✓	✓	8	✓	✓	8	✓	16								
TOTALS																
	TOTAL MANDAYS								MANDAYS TO DATE							

WEEKLY TIMESHEET

JOB NAME: (Lampy)

WEEK ENDING: _____

09-08-02

Handwritten signature/initials

JOB NUMBER: _____

SUPERVISOR: *Tomás Amayo*

STATE _____

NAME	SUN	MON	TUES	WED	THUR	FRI	SAT	TOTAL	ACM 5472	NON ACM 5610	SUPERVISOR 5606	REGULAR HOURS	OVERTIME	DOUBLETIME	RATE	UNION
<i>Tomás Amayo</i>	/	/	/	8	8	/	/									
TOTALS																

TOTAL MANDAYS

MANDAYS TO DATE

Review Paycheck

Amaya, Tomas

Earnings

Item Name	Rate	Hours	WC Code	Customer Job	Service Item	Sick Available	Vacation Avail.	Sick Accrued	Vac. Accrued
Supervisor IL 5606 Double ...	68.30	24.00		International Truck ...	Deduction: I...	0:00	0:00		
Supervisor - IL5606	34.15	16.00		5607077 - Barat Colleg...	Deduction: Inte...				
Totals: 1,092.80 24:00 hrs									

Other Payroll Items

Item Name	Rate	Quantity	Item Name	Amount	YTD
Union Dues	-2.75%	24.00	Supervisor IL 5606 Double Time	546.40	546.40
Laborers' Pension & Wel.	13.87	24.00	Supervisor - IL5606	546.40	39,313.95
Laborers' Work Dues	0.29	24.00	Union Dues	-30.05	-884.55
			Federal Withholding	-112.00	-6,349.00
			Social Security Employee	-67.76	-2,938.68
			Medicare Employee	-15.84	-687.27
			IL - Withholding	-27.01	-1,220.05

Company Summary

Item Name	Amount	YTD
Laborers' Pension & Welfare	332.88	12,758.43
Laborers' Work Dues	6.96	280.58
Social Security Company	67.76	2,938.68
Medicare Company	15.84	687.27
Federal Unemployment	0.00	56.00

OK

Cancel

Help

Lock Net Pay

Unlock Net Pay

Enter net/Calculate gross

Save & Close

Revert

WEEKLY TIMESHEET

JOB NAME:

Lake Forest

JOB NUMBER:

STATE IL

WEEK ENDING:

09-15 - 2007

SUPERVISOR:

Tomas Amaya

NAME	SUN	MON	TUES	WED	THUR	FRI	SAT	TOTAL	ACM 5472	NON ACM 5610	SUPERVISOR 5606	REGULAR HOURS	OVERTIME	DOUBLETIME	RATE	UNION
Tomas Amaya	/	8	8	/	/	/	/	16								
TOTALS																
TOTAL MANDAYS																
MANDAYS TO DATE																

WEEKLY TIMESHEET

JOB NAME:

International

JOB NUMBER: *SE020001 STATE FL*

WEEK ENDING:

09-15-2002

SUPERVISOR: *Tomas Amaya*

NAME	SUN	MON	TUES	WED	THUR	FRI	SAT	TOTAL	ACM 5472	NON ACM 5610	SUPERVISOR 5606	REGULAR HOURS	OVERTIME	DOUBLETIME	RATE	UNION
<i>Tomas Amaya</i>	<i>8</i>	<i>8</i>	<i>8</i>	<i>8</i>	<i>8</i>	<i>8</i>	<i>8</i>	<i>8</i>						<i>8</i>		
<i>Jesente Alvarez</i>	<i>4</i>	<i>4</i>	<i>4</i>	<i>4</i>	<i>4</i>	<i>4</i>	<i>4</i>	<i>4</i>						<i>4</i>		
TOTALS																
TOTAL MANDAYS																
MANDAYS TO DATE																

CERCLA 106(b) Petition

EXHIBIT 90



Customer Service Number 1-800-937-8987

Removal Details For: (708) 417-0272
Account Number: 249105937

Page 14 of 76

Customer Service Number 1-800-937-8987

Removal Details For: (708) 417-0272
Account Number: 349105937

Page 26 of 76

SAFE ENVIRONMENT

LOCAL AIRTIME, LONG DISTANCE and INTERNATIONAL CHARGES - (Continued)

Date	Call Description	Time	Number Called	Call Type	Minutes	Airtime Charges	Toll Charges	Total
9/24/07	Dyer, IN	2:43 PM	219-322-0864		1	\$.5	\$.	\$.5
9/24/07	Northbrook, IL	3:21 PM	708-417-8228		2	\$.6	\$.	\$.6
9/24/07	Merrillville, IN	8:28 PM	219-472-0501		4	\$ 1.	\$.	\$ 1.
9/25/07	incoming	7:28 AM	312-218-6508		13	\$ 1.	\$.	\$ 1.
9/25/07	incoming	7:41 AM	312-218-6508		5	\$.5	\$.	\$.5
9/26/07	Coltonsville, OH	7:46 AM	614-465-0061		2	\$.5	\$.	\$.5
9/26/07	incoming	7:51 AM	815-556-5173 (H)		1	\$.5	\$.	\$.5
9/26/07	incoming	8:28 AM	708-441-9826 (F)		2	\$.6	\$.	\$.6
9/26/07	Chicago, IL	9:44 AM	708-949-4850		2	\$.5	\$.	\$.5
9/26/07	La Grange, IL	10:27 AM	674-920-8208		1	\$.5	\$.	\$.5
9/26/07	La Grange, IL	11:02 AM	708-949-4850		5	\$.5	\$.	\$.5
9/26/07	Dyer, IN	12:08 PM	219-322-0864		1	\$.5	\$.	\$.5
9/26/07	Highland, IN	12:08 PM	219-322-0830		2	\$.6	\$.	\$.6
9/26/07	Highland, IN	12:10 PM	616-424-4856		3	\$.5	\$.	\$.5
9/26/07	incoming	12:20 PM	219-872-9777		1	\$.5	\$.	\$.5
9/26/07	Northbrook, IL	12:24 PM	708-774-9861		1	\$.5	\$.	\$.5
9/26/07	La Grange, IL	12:26 PM	708-383-5602		2	\$.5	\$.	\$.5
9/26/07	incoming	12:28 PM	708-243-8502 (H)		3	\$.5	\$.	\$.5
9/26/07	incoming	12:51 PM	219-845-1805		1	\$.5	\$.	\$.5
9/26/07	St. John, IN	12:52 PM	219-368-6767		1	\$.5	\$.	\$.5
9/26/07	La Grange, IL	12:52 PM	708-943-4850		1	\$.5	\$.	\$.5
9/26/07	incoming	12:56 PM	708-243-4850		1	\$.5	\$.	\$.5
9/26/07	Gary, IN	12:58 PM	219-845-1805		1	\$.5	\$.	\$.5
9/26/07	incoming	1:01 PM	928-209-1805		5	\$.5	\$.	\$.5
9/26/07	Chicago, IL	1:01 PM	708-441-9826 (F)		5	\$.5	\$.	\$.5
9/26/07	Chicago, IL	1:01 PM	708-441-9826 (F)		3	\$.5	\$.	\$.5
9/26/07	incoming	2:45 PM	312-218-6508		1	\$.5	\$.	\$.5
9/26/07	La Grange, IL	2:53 PM	708-243-4850		1	\$.5	\$.	\$.5
9/26/07	Dyer, IN	2:54 PM	219-322-0864		2	\$.6	\$.	\$.6
9/26/07	Northbrook, IL	3:02 PM	708-417-8228		2	\$.6	\$.	\$.6
9/26/07	incoming	3:04 PM	219-822-0862		5	\$.5	\$.	\$.5
9/26/07	incoming	3:18 PM	708-417-8229		9	\$.5	\$.	\$.5
9/26/07	La Grange, IL	3:22 PM	708-243-4850		4	\$.5	\$.	\$.5
9/26/07	Northbrook, IL	3:28 PM	708-774-9861		1	\$.5	\$.	\$.5

Call Type: (M) Call Waiting (B) Call Forward (C) Cellular Call (D) Data/Fax (F) Mobile Number (G) Personal (H) Free Calls (N) Wire Call (U) HotSpot (V) n/a/Free Call

LOCAL AIRTIME, LONG DISTANCE and INTERNATIONAL CHARGES - (Continued)

Date	Call Description	Time	Number Called	Call Type	Minutes	Airtime Charges	Toll Charges	Total
9/26/07	incoming	3:42 PM	708-406-7650		3	\$.5	\$.	\$.5
9/26/07	incoming	8:41 PM	708-774-9861 (H)		9	\$.5	\$.	\$.5
9/26/07	incoming	7:32 PM	219-588-6456 (F)		1	\$.5	\$.	\$.5
9/26/07	Chicago, IL	9:00 PM	708-441-9826 (F)		3	\$.5	\$.	\$.5
9/26/07	incoming	8:00 PM	708-441-9826 (H)		6	\$.5	\$.	\$.5
9/26/07	Gary, IN	8:18 AM	219-741-0845		2	\$.5	\$.	\$.5
9/26/07	Chicago, IL	8:18 AM	708-441-9826 (F)		4	\$.5	\$.	\$.5
9/26/07	Northbrook, IL	11:24 AM	708-417-8228		2	\$.6	\$.	\$.6
9/26/07	incoming	11:42 AM	708-205-8677		2	\$.6	\$.	\$.6
9/26/07	La Grange, IL	12:46 PM	708-243-4850		1	\$.5	\$.	\$.5
9/26/07	Highland, IN	12:58 PM	219-972-0880		1	\$.5	\$.	\$.5
9/26/07	incoming	2:09 PM	708-983-8803		6	\$.5	\$.	\$.5
9/26/07	Chicago, IL	2:15 PM	708-441-9826 (F)		1	\$.5	\$.	\$.5
9/26/07	Hannond, IN	2:16 PM	219-670-2812 (F)		2	\$.6	\$.	\$.6
9/26/07	incoming	2:18 PM	708-417-8229		1	\$.5	\$.	\$.5
9/26/07	Chicago, IL	2:32 PM	708-441-9826 (F)		9	\$.5	\$.	\$.5
9/26/07	incoming	3:51 PM	708-441-9826 (F)		2	\$.6	\$.	\$.6
9/26/07	Northbrook, IL	3:05 PM	708-417-8229		1	\$.5	\$.	\$.5
9/26/07	Dyer, IN	3:38 PM	219-322-0864		9	\$.5	\$.	\$.5
9/26/07	Chicago, IL	8:12 PM	708-753-1807		1	\$.5	\$.	\$.5
9/26/07	St. John, IN	8:31 AM	219-368-6767		2	\$.6	\$.	\$.6
9/27/07	incoming	8:50 AM	708-243-4850		2	\$.6	\$.	\$.6
9/27/07	incoming	9:28 AM	708-441-9826 (F)		8	\$.5	\$.	\$.5
9/27/07	Chicago, IL	9:58 AM	708-758-1807		3	\$.5	\$.	\$.5
9/27/07	Tinley Park, IL	9:58 AM	708-441-0277		4	\$.5	\$.	\$.5
9/27/07	Northbrook, IL	9:58 AM	708-417-8228		4	\$.5	\$.	\$.5
9/27/07	Tinley Park, IL	10:01 AM	708-444-0277		23	\$.5	\$.	\$.5
9/27/07	Chicago, IL	10:24 AM	708-441-9826 (F)		6	\$.5	\$.	\$.5
9/27/07	Gary, IN	10:31 AM	219-741-0845		5	\$.5	\$.	\$.5
9/27/07	Hannond, IN	11:08 AM	219-670-2812 (F)		1	\$.5	\$.	\$.5
9/27/07	Chicago, IL	11:04 AM	312-617-8726		11	\$.5	\$.	\$.5
9/27/07	Chicago, IL	12:06 PM	708-441-9826 (F)		2	\$.6	\$.	\$.6
9/27/07	Northbrook, IL	12:09 PM	708-417-8228		2	\$.6	\$.	\$.6
9/27/07	Gary, IN	12:10 PM	219-712-1828		2	\$.6	\$.	\$.6
9/27/07	La Grange, IL	12:12 PM	708-758-1807		19	\$.5	\$.	\$.5
9/27/07	Hannond, IN	12:25 PM	219-670-2812 (F)		1	\$.5	\$.	\$.5

Call Type: (M) Call Waiting (B) Call Forward (C) Cellular Call (D) Data/Fax (F) Mobile Number (G) Personal (H) Free Calls (N) Wire Call (U) HotSpot (V) n/a/Free Call

CERCLA 106(b) Petition

EXHIBIT 91

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March 2, 2012

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

**Re: EPA Docket No. V-W-10-C-950
Comprehensive Emergency Response Compensation
and Liability Act
JLLP No.: 929-8**

Dear Mr. Chow:

Please find enclosed Safe Environmental Corporation of Indiana's amended Final Report pursuant to Section 3.5 of the Unilateral Administrative Order ("UAO"), United States Environmental Protection Agency ("EPA") Docket No. V-W-10-C-950. The Appendix, which includes Exhibits 1-4, is enclosed on compact disc per your authorization and request in our telephone conversation of March 2, 2012.

I look forward to the EPA's approval of the Final Report and issuance of the Notice of Completion for the removal action required by the UAO. If you have any questions or concerns, please do not hesitate to let me know.

Very truly yours,

Patrick J. Thomas

Enclosures: Rule 3.5 Report and Compact Disc

{00512988; 1; 0929-0008}

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March 2, 2012

**UNILATERAL ADMINISTRATIVE ORDER
DOCKET NO. V-W-10-C-950**

**SECTION 3.5 FINAL REPORT OF RESPONDENT
SAFE ENVIRONMENTAL CORPORATION OF INDIANA**

FOR

CLEVELAND TRENCHER

20100 St. Clair Ave.
Euclid, Ohio

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1.0 INTRODUCTION

1.1 PURPOSE AND OBJECTIVES

In accordance with the requirements of Section 3.5 of the First Amendment of the Unilateral Administration Order (UAO) issued by the United States Environmental Protection Agency ("EPA"), Docket No. V-W-10-C-950, Respondent Safe Environmental Corporation of Indiana ("Safe Environmental") respectfully submits its amended Final Report summarizing the removal actions performed at Cleveland Trencher, 20100 St. Clair Avenue, Euclid, Ohio ("Site").

Safe Environmental submitted a Final Report under Section 3.5 to the EPA on December 15, 2011. The EPA requested that Safe Environmental provide additional details with respect to the removal actions conducted at the Site. Safe Environmental requested the assistance of Precision Environmental, 5500 Old Brecksville Road, Independence, Ohio ("Precision Environmental") and RCS Environmental Group, Ltd., 2812 Shakercrest Blvd., Beachwood, Ohio 44122 ("RCS") in preparing the amended Final Report. Safe Environmental contracted with Precision Environmental, which along with RCS, performed the cleanup and analytical monitoring respectively at the Site on Safe Environmental's behalf.

This Final Report ("Final Report") presents the results of the on-Site abatement and removal action and analytical monitoring (collectively "Removal Action") conducted between August 2011 and October 2011 and documents that all tasks required by the UAO were achieved. The Final Report summarizes the procedures and methodologies followed during the Removal Action and provides the analytical results that verify that all performance standards have been met. Documentation of the Removal Action may be found in Appendices A–D.

Safe Environmental was required to comply with the UAO only with respect to removal and remediation of asbestos and asbestos contaminated material at the Site. Safe Environmental was not required to address issues related to chemical contamination other than asbestos. To the extent that Precision Environmental addressed chemical contamination in conjunction with its Removal Action on Safe Environmental's behalf, that information is contained in this Final Report.

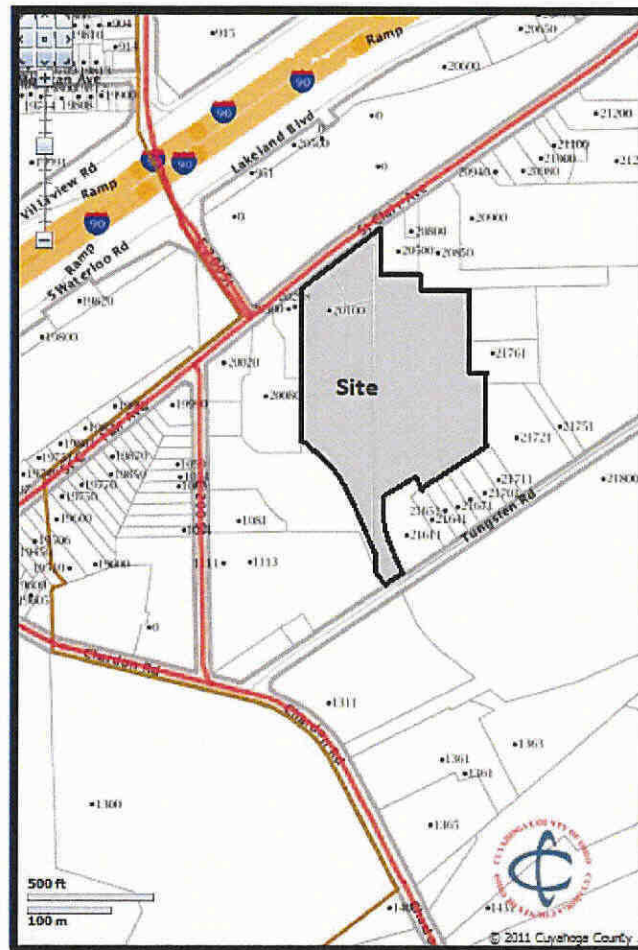
1.2 SITE LOCATION AND DESCRIPTION

The Site includes the property located at 20100 St. Clair Avenue, Euclid, Ohio. The Site consists of approximately 14.5 acres of flat land zoned U6 Heavy Industry with all utilities. There is 405.46 feet frontage on St. Clair Avenue and 73.58 feet frontage on Tungsten Road.

The Site is located immediately off of Exit 182A on Interstate 90 in the City of Euclid, in Cuyahoga County, Ohio. The Site is located in an industrial area with a significant number of the buildings in the area that are vacant. Rail spur is on-Site but the switch has been removed. The former structures on the Site are unoccupied and include a two level office building and an adjacent vacant, open structure that was formerly part of a factory that manufactured heavy industrial equipment. Portions of the factory had been demolished on a prior occasion in 2007.

Prior to the Removal Action, numerous debris piles of formerly demolished structure which were contaminated with asbestos were located throughout the property. Directly east-southeast on the Site is a large grassy/wooded area. No residential properties are located in the immediate area of the project work area.

The Office of the County Auditor for Cuyahoga County, Ohio identifies the Site as being comprised of three parcels: Cuyahoga County Parcel Nos. 646-03-001, 646-04-001, and 646-04-002. A search of these three parcels on the Cuyahoga County Geographical Information Systems website reveals the following details, where the Site is bordered by a dark black line, north is toward the top of the page and a distance legend depicts boundary distances:



Based on visual inspections of field conditions the following distinct receptor populations were considered:

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

1.3 SITE BACKGROUND

From the 1920s until around 2000, the Site was used by the Cleveland Trencher Company to fabricate, paint and assemble metal components for trenching and excavating equipment. In 2007, then-Site owner Gary Thomas contracted with Nationwide Demolition ("Nationwide"), a demolition company, to have the structures on the Site demolished. Prior to demolition efforts, the presence of friable and non-friable asbestos required asbestos abatement, removal and disposal. Nationwide contracted with Asbestek, Inc., ("Asbestek") a startup abatement operation, to abate and remove friable and non-friable asbestos at the Site. Asbestek knowingly performed incomplete friable asbestos abatement efforts in September 2007 but informed Nationwide that abatement was in fact complete and that structures were suitable for demolition. It is believed that Nationwide was also aware that asbestos abatement was incompletely performed but nevertheless proceeded with demolition. Nationwide commenced demolition of portions of the factory, but its demolition efforts were halted by the Ohio Environmental Protection Agency ("Ohio EPA") when Ohio EPA inspectors determined that asbestos contamination remained at the Site. Safe Environmental was not involved in the 2007 asbestos abatement efforts and did not contract, agree, or otherwise arranged for disposal or treatment of asbestos at the Site. Safe Environmental did not transport or arrange with a transporter for transport and/or for disposal or treatment of asbestos or any hazardous substances at the Site. Safe Environmental is not and was not an owner of the Site at any time.

The Ohio EPA conducted a Site survey after it halted demolition efforts at the Site and then sent its findings to the EPA. EPA reports indicated that the Ohio EPA found not only asbestos contamination at the Site, but also one hundred twenty corroding (120) drums and containers of materials, primarily containing lead paints, oils, and solvents. EPA reports also determined that transformers on the Site contained polychlorinated biphenyls.

1.4 UNILATERAL ADMINISTRATION ORDER

On June 21, 2010 the EPA issued an "Administrative Order Pursuant to Section 106(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as Amended, 42 U.S.C. § 9606(a)" naming Site former and current owners Metin Aydin ("Aydin"), the Joseph Piscazzi Trust, and Thomas, along with Nationwide and Asbestek as respondents and "liable parties" as defined by 42 U.S.C. § 9606(a) for the cleanup of hazardous substances at the Site including asbestos, lead and methyl ethyl ketone. Subsequently, counsel for Nationwide provided the EPA with an affidavit of Asbestek owner Thomas Amaya ("Amaya") in which Amaya claimed that Asbestek had performed abatement efforts at the Site using Safe Environmental's Ohio Asbestos Abatement Contractor License "Ohio License." On July 27, 2010 the EPA issued a First Amendment ("UAO") to the June 21, 2010 Administrative Order adding Safe Environmental as a respondent and liable party based on Amaya's affidavit.

Safe Environmental never provided Asbestek or Amaya with authority to use Safe Environmental's Ohio License and substantial evidence shows that Amaya fraudulently performed asbestos abatement by identifying Safe Environmental's Ohio License to state officials prior to its incomplete abatement efforts at the Site. Safe Environmental denied that it was a liable party and

challenged the EPA's findings through the limited statutory mechanisms available under CERCLA. The EPA declined to release Safe Environmental as a liable party. Safe Environmental complied with the UAO and performed the required actions with respect to asbestos remediation and removal. Upon information and belief, Asbestek, Nationwide, Thomas, and Aydin failed to comply with any required action mandated by the UAO. The Final Report documents the Removal Action undertaken on behalf of Safe Environmental in compliance with the UAO.

2.0 PROJECT SCOPE, PERFORMANCE STANDARDS AND MANAGEMENT TEAM

2.1 PROJECT SCOPE OF WORK

The major Removal Action objective for the Site was to eliminate potential asbestos exposure by removing and decontaminating all visible asbestos debris from the remaining Site buildings, concrete pads, and soils. In addition, the Removal Action included the sampling and removal of several abandoned 55 gallon drums remaining at the Site. The major components of the removal action included the following tasks:

- Mobilization, Site preparation activities, including mobilization personnel, equipment and temporary support facilities;
- The installation or upgrade of Site control measures, establishment of work zones, preparation of equipment and material staging areas, construction of treatment areas and haul roads, installation of time integrated air monitoring units, and identification of above ground and buried utilities;
- Installation of time integrated air monitoring systems to evaluate air quality conditions during implementation of the Removal Action;
- The decontamination of all existing structures containing asbestos containing materials;
- The cleaning decontamination of all existing concrete pads of asbestos containing dust and debris;
- The removal of all asbestos containing materials identified on soil surface;
- Final visual inspection of all asbestos abatement areas by an independent third-party;
- Demobilization; and
- Visual inspection and walkthrough by Precision, RCS, the EPA and Safe Environmental.

2.2 PERFORMANCE STANDARDS

Precision Environmental conducted the Removal Action at the Site and used RCS to perform analytical monitoring during the process.

RCS prepared an Asbestos Sampling Plan (ASP) which was approved by the EPA. As outlined in the ASP, the performance standards were developed to control risks proposed by direct contact, ingestion, and inhalation of contaminated materials at the Site. The performance standards include those cleanup standards, standards of control, and other substantive requirements, criteria, or limitations described in RCS's submission to the EPA on behalf of Safe Environmental.

Air monitoring at the property perimeter and within the Exclusion Zone was conducted daily using National Institute for Occupational Safety and Health ("NIOSH") 7400 sampling techniques and Phase Contract Microscopy (PCM) techniques. Daily air results in these areas were limited to 0.005 fibers per square centimeter or less. Any PCM result greater than 0.005 fibers per square centimeter were further analyzed using NIOSH Method 7402.

All work areas were visually inspected by an Ohio Department of Health certified Asbestos Hazard Evaluation Specialist. The inspection was 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 was deemed complete by the EPA on November 23, 2011.

2.3 PROJECT MANAGEMENT TEAM

EPA On-Scene Coordinator

EPA On-Scene Coordinator Stephen Wolfe ("Wolfe") had the overall responsibility for all phases of the Removal Action. Wolfe approved the Work Plan and Health and Safety Plan submitted by Precision to address Removal Actions. The On-Scene Coordinator's primary responsibility was to ensure proper coordination of Removal Actions required by the UAO and identified in the Work Plan and Health and Safety Plan.

Project Manager

The Project Manager was John Savage ("Savage") of Precision Environmental. Savage reported directly to the On-Scene Coordinator and Safe Environmental in order to ensure that the Removal Actions were conducted in compliance with the approved Work Plan and Health and Safety Plan. His primary responsibilities included resolving issues concerning staffing, compliance of the Work Plan and Health and Safety Plan, providing weekly status reports of the progress of removal activities, updating the project implementation schedule, resolving issues, and contract administration.

Field Project Manager

The Field Project Manager was Kenneth Yates (“Yates”) of Precision Environmental. Yates was responsible for ensuring that removal activities were performed and completed in accordance with the Work Plan and Health and Safety Plan and with federal, state, and local regulations. Yates’ specific responsibilities included the following:

- Provide personnel and equipment for removal activities;
- Notify the Project Manager and On-Scene Coordinator of any changes in field personnel and the names and qualifications of any subcontractors not identified in the Work Plan, including disposal facilities, transporters or analytical laboratories used to implement the removal action;
- Ensure that Precision associates performed their designated duties in strict accordance to the Health and Safety Plan;
- Notify appropriate personnel identified in the Health and Safety Plan in the event that the Contingency Plan was implemented;
- Ensure the Removal Action was completed consistent with the approved Work Plan and within the approved schedule;
- Facilitate effective communications with the EPA;
- Communicate any request for modifications of the Work Plan to the EPA; and,
- Promptly notify the On-Scene Coordinator in the event of any unforeseen fill conditions and/or if encountered problems.

On-Site Environmental Consultant

The on-Site Environmental Consultants were Cecil Brannon (“Brannon”) and Michael Schmidt, (“Schmidt”) of RCS. Brannon provided daily on-Site sampling. Schmidt supervised sampling activities, provided audit functions and ensured quality control functions. Schmidt reviewed and recorded the analytical results. Brannon and Schmidt operated independently of Precision’s Field Project Manager, and communicated any unresolved analytical results directly to the OSC. Brannon and Schmidt’s specific responsibilities included the following:

- Adherence to the approved ASP;

- Documentation of any deviations to the Work Plan with a justification for the deviations, and if necessary appropriate notification in accordance with the approved ASP;
- Collection and shipment of samples at the specified frequencies and for laboratory analysis parameters specified in the ASP;
- Documentation of the location, time, and date of all samples that were collected and shipped to the laboratory;
- Notification of the Field Project Manager and the On-Scene Coordinator of any sampling activities associated with implementation of the approved Work Plan; and
- Obtaining analytical results and reporting the data to the Field Project Manager and the On-Scene Coordinator.

3.0 ON-SITE REMOVAL ACTIVITIES

Safe Environmental received EPA's approval of the Work Plan and Health and Safety Plan on August 5, 2011.

3.1 PRE-CONSTRUCTION MEETING

A preconstruction meeting was held at the Site on or about August 22, 2011. The purpose of the meeting was to review the approved Work Plan, clarify any remaining issues, conduct a walk-through of the Site to inspect the property, and discuss logistics for removal activities. Continued construction meetings were held at the Site throughout the Removal Action when necessary for further inspection and discussion relating to the Removal Action.

3.2 MOBILIZATION AND SITE PREPARATION

On Monday, August 15, 2011, Precision Environmental mobilized personnel and equipment to the Site, and began preliminary set up in preparation activities in accordance with the approved Work Plan. Those activities included the delineation and establishment of work zones, setup of temporary office trailers, setup of decontamination areas, setup and orientation of health and safety facilities, setup of support facilities, establishment of Site security protocol, setup of air monitoring stations and visible dust control areas, coordination with suppliers and subcontractors associated with the field work, and utility identification.

3.2.1 Support Facilities

Project mobilization preparation activities included establishing administrative support facilities, supply storage areas, decontamination areas, and staging areas for excavated materials. Support facilities were located within existing property boundary near the North entrance/exit to the property.

Precision's temporary office facilities were utilized during removal activities. The office facility was equipped with computer systems, telephone service and reproduction systems. Project plans, drawings and supporting documentation were maintained in the office facility. Sanitary facilities were also provided near the support facilities. A temporary office and support facilities were also provided for the On-Scene Coordinator and other government inspectors and representatives.

Equipment and supply storage areas were established adjacent to the appropriate work areas. Personnel and equipment decontamination areas were constructed and identified in accordance with the Health and Safety Plan.

3.2.2 Site Health and Safety Plan

Prior to the start of on-Site activities, all personnel involved with abatement activities were required to read and familiarize themselves with the Health and Safety Plan. In accordance with the Health and Safety Plan, an orientation session was held at the initiation of abatement activities for all Precision employees, associates and subcontractors working at the Site. All personnel working on the property throughout the project read and signed off on the Health and Safety Plan, indicating their review and understanding of its contents. Additionally, daily health and safety meetings were held on specific topics, visitor protocols, work activities, and related health and safety topics throughout the duration of abatement activities. These daily health and safety meetings were detailed in the weekly project reports which were submitted to the On-Scene Coordinator throughout the Removal Action.

3.2.3 Site Security and Work Zones

Site security measures were established during mobilization and Site preparation activities. Site security was provided during working and nonworking hours through perimeter fencing and Site personnel.

Work zones were established and enforced during abatement activities. Decontamination, demolition, excavation, and treatment areas were identified as Exclusion Zones. These areas were demarcated utilizing signs, barricades, tape, fencing, or other physical barriers.

A personal decontamination trailer was located adjacent to the support facilities. All decontamination procedures adhered to methods outlined in the Health and Safety Plan. Vehicle equipment decontamination areas were also constructed at the main entrance to the property so that no mud, dirt or visible dust left the Site.

The decontamination area was constructed of concrete and surrounded with berms to contain decontamination water. Wet procedures were used to decontaminate all vehicles that had passed through areas potentially impacted by dust or mud from abatement activities. The location of the Contamination Reduction Zone was adjusted during certain phases of work to provide adequate protection of personal and proper decontamination of equipment and vehicles.

The Support Zone included a support/administration facilities, sanitary facilities and parking areas. These areas were clearly marked with appropriate signs for identification.

3.2.4 Visible Dust Control

During work activities, strict dust control measures were implemented. Dust suppression systems were located throughout the Exclusion Zone. These systems consisted of water mist and spray devices used to minimize airborne dust. The amount of water used was sufficient to control visible dust, while preventing significant accumulation of residual water on the ground surface. Spraying of hauling routes on the property and the road near the main gate was conducted to minimize airborne dust.

To ensure that the dust suppression systems were effective, high-volume air monitoring devices were utilized during the work activities in locations approved by the EPA. The daily air monitoring results were reviewed by the EPA representatives and submitted to the Project Manager. Work procedures and/or dust control measures were adjusted as needed to minimize visible particulates or to address action level exceedances.

3.2.5 Utility Identification

Identification of the utilities was coordinated with the utility location service to demarcate the following utilities:

- Sanitary sewer lines;
- Condensate lines;
- Storm water drains and systems;
- Electric lines;
- Water lines;
- Natural gas lines;
- Fiber optic lines; and
- Overhead utilities.

Each utility was identified with individual flags, signs, or other devices.

3.3 ASBESTOS ABATEMENT

Certified asbestos workers removed all visible asbestos debris from the interior of Site structures, remaining concrete pads, and soil debris areas. Once all visible debris was removed, the surfaces were cleaned using HEPA vacuums and wet methods. Proper work methods were employed to avoid generation of visible dust during the abatement activities.

All asbestos waste was containerized in plastic asbestos bags or placed in plastic lined dumpsters. All containerized asbestos waste was thoroughly cleaned before leaving the work Site. All containerized asbestos waste was labeled with the proper EPA, Ohio Department of

Transportation and Ohio Occupational Safety and Administration required labels. No waste left the Site without proper documentation including signed waste manifests.

3.4 TRANSPORT AND DISPOSAL

All waste streams were transported off-Site by tandem truck, roll-off box, or similar truck transport system. Open top trailers were covered with a suitable tarpaulin prior to leaving the Site. Neither free liquids nor saturated soils were placed in truck beds. All truck wheels and undercarriages were decontaminated with water prior to leaving the Site. Decontamination water was collected and put through a 5-micron filter prior to discharge to the city sanitary sewer system.

All asbestos waste was transported to and for disposal at Minerva Enterprises, LLC, 8955 Minerva Rd S.E., Waynesburg, Ohio 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 asbestos contaminated material from the Site to Minerva for disposal. Waste manifests, including dates, volumes and weights of transported material, may be found in the Appendix.

4.0 HEALTH AND SAFETY

Prior to the initiation of work at the property, all field team members were required to read and familiarize themselves with the approved Health and Safety Plan. The initial mandatory health and safety meeting was held with the field crew where the following topics were reviewed and discussed in detail:

- The history and contaminants of concern at the Site;
- The identified health and safety concerns associated with the scope of work;
- Required level of personal protection equipment and respirator protection to be worn during field activities;
- The Site layout of the work zones;
- The procedure for personnel and equipment decontamination;
- Local emergency phone numbers and route to the nearest hospital;
- Utility and vendor information; and
- Applicable Material Safety Data Sheets (MSDS).

4.1 HEALTH AND SAFETY MEETINGS

Daily safety meetings were held during the Removal Activities as required by Precision Environmental's corporate health and safety policy, in accordance with the Health and Safety Plan. The meetings included discussions on the work to be performed that day, responsibilities of the field team members, and the associated health and safety issues.

4.2 ESTABLISHMENT OF DECONTAMINATION AREAS

Areas dedicated to decontamination of both personnel and equipment were established prior to initiation of the abatement activities. Personnel decontamination areas were located near the designated exclusion zone. A Decontamination Facility was constructed within the Support Zone of the project. The Decontamination Facility consisted of a clean room, shower room, and an equipment (dirty) room. Each chamber was separated by air locks using a series of polyethylene flaps and/or doors.

All workers were required to decontaminate each time they left the work area. All equipment was showered out or wet-wiped before being removed from the decontamination facility. Wastewater was removed from the shower by a two-stage filtering pump fitted with a 5-micron final filter. A separate area was constructed for the decontamination of the waste trucks. A concrete pad was constructed with a drain for wastewater. Each truck had its tires and under carriage washed with water from pressure washers before leaving the project Site. All wastewater was collected and filtered by a two-stage filtering pump fitted with a 5-micron final filter.

4.3 PERSONAL PROTECTIVE EQUIPMENT

Personnel were required to wear half-face air purifying respirators during activities involving asbestos abatement and decontamination of on-Site surfaces. Personnel were required to have current medical qualifications to wear respirators. Medical qualifications consisted of a qualified physician's written opinion regarding the employee's ability to safely wear a respirator in accordance with 29 CFR 1910.134. Hearing protection was also required when noise levels were in excess of the 85 dBA time-weighted average. Other protective equipment included protective coveralls, hardhats, safety glasses, high visibility vests, steel toe boots, and nitrile and outer gloves.

5.0 ASBESTOS SAMPLING PLAN

The Asbestos Sampling Plan (ASP) was used as a guide for the abatement and cleanup activities being conducted at the Site. The ASP is the framework for conducting environmental monitoring during a complex asbestos abatement project.

The ASP determined the exposure pathways of potential receptor populations. It was 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 were considered:

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

5.1 ASBESTOS AIR MONITORING

5.1.1 Air Monitoring General

All laboratory analysis was conducted by International Asbestos Testing Laboratories, 9000 Commerce Parkway, Mt. Laurel, New Jersey 08054 ("IATL"). IATL is certified by the American Industrial Hygiene Association and National Voluntary Laboratory Accreditation Program. All samples were sent to the IATL under chain of custody procedures. All sampling equipment was calibrated daily in the field with a rotameter which had been calibrated using a primary standard.

5.1.2 Daily Perimeter Air Monitoring

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

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

Any PCM result greater than 0.005 fibers per square centimeter was further analyzed using NIOSH Method 7402. The NIOSH 7400 Method uses a transmission electron microscope (TEM) 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.

All perimeter air monitoring results at the Site were less than 0.005 fibers per cubic centimeter of air.

5.1.3 Daily Personal Air Monitoring

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

All personal air monitoring results were below the OSHA PEL of 0.10 fibers per cubic centimeter.

6.0 RECORDKEEPING, REPORTING AND SCHEDULE

6.1 FIELD DOCUMENTATION

Field documentation for asbestos abatement activities performed at the Site property included field progress, on-Site difficulties or issues, sample tracking activities, production rates for abatement, and completed daily safety logs. Field logbooks were maintained by the Field Project Manager and have been archived along with all the Site documentation in a secure location within the Precision's corporate office.

6.2 WEEKLY REPORTS


Precision's Project Manager prepared and maintained daily fieldwork reports, including the Project Manager's daily journal, and other records that summarize all activities performed during the completion of the abatement activities. Precision prepared status reports on a weekly basis to summarize activities performed at the Site during the previous week. Items included in the weekly report included:

- Work completed since last report;
- Scheduled status;
- Deviations if any from the work plan;
- New issues;
- Resolved issues;
- Changes to scope, if any; and
- Work to be completed the following week.

7.0 CERTIFICATION

Pursuant to the requirements of UAO Section 3.5, Safe Environmental hereby makes the following 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.



Patrick J. Thomas
Attorney for Safe Environmental
Corporation of Indiana

March 2, 2012
Date

Respectfully submitted,



Patrick J. Thomas

Encl.: Appendix, Exhibits 1-4 on Compact Disc

CERCLA 106(b) Petition

EXHIBIT 92



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

ME-W

VIA E-MAIL AND U.S. MAIL

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

Re: Cleveland Trencher Site, Euclid, OH
EPA Comments on Asbestos Final Report

Dear Mr. Thomas:

The U.S. Environmental Protection Agency, Region 5 is in receipt of the amended Section 3.5 Final Report of Respondent Safe Environmental Corporation of Indiana ("Asbestos Final Report") submitted by Safe Environmental Corporation of Indiana ("Safe") and dated March 2, 2012, for the asbestos portion of the removal action at the Cleveland Trencher Site ("Site"). My comments on the Asbestos Final Report are set forth below:

Page 1: Third Paragraph, First Sentence

The word "monitoring" should be changed to "sampling". References to "monitoring" instead of "sampling" for asbestos occur throughout the report and needs to be corrected. "Monitoring" implies that an instrument that gives a direct reading was used to measure asbestos in real time. No such instrument exists. In this cleanup, air samples were collected and sent to a laboratory for analysis. The only "monitoring" that occurred at the Site was the use of a photo-ionization detector ("PID") for chemicals around the drums.

Page 1: Fourth Paragraph, Last Sentence

This sentence states: "To the extent that Precision Environmental addressed chemical contamination in conjunction with its Removal Action on Safe Environmental's behalf, that information is contained in this Final Report."

It is my understanding that the drums, transformers, and other containers were removed by Precision Environmental ("Precision") under a separate contract with the Joseph J. Piscazzi Revocable Living Trust ("Trust"), another respondent to the UAO. Please clarify the extent to which any "chemical contamination" was addressed by Precision on Safe Environmental's behalf.

Page 2: First Paragraph, Last Sentence

Please define what is meant by “[n]o residential properties are located in the immediate area.” I believe that the nearest residential properties are approximately 0.25 miles away of the Site and that there approximately 2,200 residents within a 0.5 mile radius of the Site.

Pages 3-4: Section 1.4, Second Paragraph

I suggest that this paragraph receive a sub-heading of “1.4.1” and receive a title of “Safe’s Position on the UAO” or something similar, to distinguish this discussion from the technical discussions in the rest of the report.

Page 4: Section 2.1, First Paragraph

It is stated here: “In addition, the Removal Action included the sampling and removal of several abandoned 55 gallon drums remaining at the Site.”

Please clarify if these “several” drums were addressed on behalf of Safe, and identify these particular drums. It is my understanding that all drum removal was performed by the Trust. If so, this should be so stated here and any other place in the Asbestos Final Report where there is a reference to the drums or to the drum removal (such as on Page 3, Second Paragraph). If some drums or other “chemical contamination” were handled by Precision on Safe’s behalf, please so state here and the other places in the report referencing drum removal.

Page 6: Last Bullet

This has a reference to “unforeseen fill conditions.” I believe the word “fill” should be “field.” If so, please make the correction.

Please submit your revisions and clarifications to me by March 19, 2012. If you have questions about this letter, please contact Kevin Chow, Associate Regional Counsel, at (312) 353-6181 or chow.kevin@epa.gov. Thank you for your assistance.

Sincerely,

 3/9/12

Stephen Wolfe
On-Scene Coordinator

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

CERCLA 106(b) Petition

EXHIBIT 93

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March 12, 2012

Kevin Chow
Associate Regional Counsel
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77 West Jackson Boulevard, C-14J
Chicago, IL 60604-3590

**Re: EPA Docket No. V-W-10-C-950
Comprehensive Emergency Response Compensation
and Liability Act
JLLP No.: 929-8**

Dear Mr. Chow:

Please find enclosed Safe Environmental Corporation of Indiana's amended Final Report pursuant to Section 3.5 of the Unilateral Administrative Order ("UAO"), United States Environmental Protection Agency ("EPA") Docket No. V-W-10-C-950.

We have made amendments to the Section 3.5 Report issued on March 2, 2012 per requests of Stephen Wolfe on March 9, 2012. The Appendix, which includes Exhibits 1-4, has been previously provided to you and Mr. Wolfe.

I look forward to the EPA's approval of the Final Report and issuance of the Notice of Completion for the removal action required by the UAO. If you have any questions or concerns, please do not hesitate to let me know.

Very truly yours,

Patrick J. Thomas

Enclosures: Rule 3.5 Report

{00514030; 1; 0929-0008}

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March 12, 2012

**UNILATERAL ADMINISTRATIVE ORDER
DOCKET NO. V-W-10-C-950**

**SECTION 3.5 FINAL REPORT OF RESPONDENT
SAFE ENVIRONMENTAL CORPORATION OF INDIANA**

FOR

CLEVELAND TRENCHER
20100 St. Clair Ave.
Euclid, Ohio

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1.0 INTRODUCTION

1.1 PURPOSE AND OBJECTIVES

In accordance with the requirements of Section 3.5 of the First Amendment of the Unilateral Administration Order (UAO) issued by the United States Environmental Protection Agency ("EPA"), Docket No. V-W-10-C-950, Respondent Safe Environmental Corporation of Indiana ("Safe Environmental") respectfully submits its amended Final Report summarizing the removal actions performed at Cleveland Trencher, 20100 St. Clair Avenue, Euclid, Ohio ("Site").

Safe Environmental submitted a Final Report under Section 3.5 to the EPA on December 15, 2011. The EPA requested that Safe Environmental provide additional details with respect to the removal actions conducted at the Site. Safe Environmental requested the assistance of Precision Environmental, 5500 Old Brecksville Road, Independence, Ohio ("Precision Environmental") and RCS Environmental Group, Ltd., 2812 Shakercrest Blvd., Beachwood, Ohio 44122 ("RCS") in preparing the amended Final Report. Safe Environmental contracted with Precision Environmental, which along with RCS, performed the cleanup and analytical sampling respectively at the Site on Safe Environmental's behalf.

This Final Report ("Final Report") presents the results of the on-Site abatement and removal action and analytical sampling (collectively "Removal Action") conducted between August 2011 and October 2011 and documents that all tasks required by the UAO were achieved. The Final Report summarizes the procedures and methodologies followed during the Removal Action and provides the analytical results that verify that all performance standards have been met. Documentation of the Removal Action may be found in Appendices A –D.

Safe Environmental was required to comply with the UAO only with respect to removal and remediation of asbestos and asbestos contaminated material at the Site. Safe Environmental was not required to address issues related to chemical contamination other than asbestos.

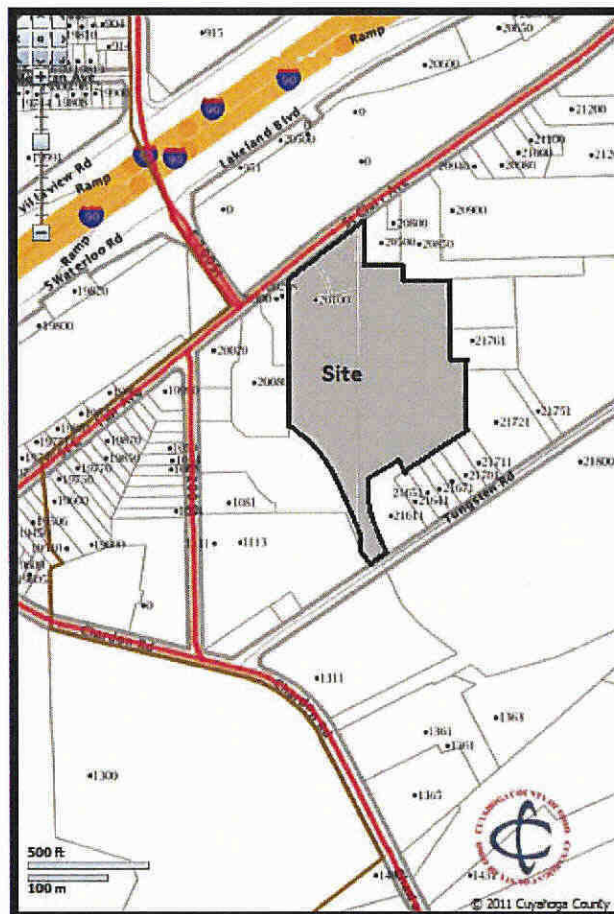
1.2 SITE LOCATION AND DESCRIPTION

The Site includes the property located at 20100 St. Clair Avenue, Euclid, Ohio. The Site consists of approximately 14.5 acres of flat land zoned U6 Heavy Industry with all utilities. There is 405.46 feet frontage on St. Clair Avenue and 73.58 feet frontage on Tungsten Road.

The Site is located immediately off of Exit 182A on Interstate 90 in the City of Euclid, in Cuyahoga County, Ohio. The Site is located in an industrial area with a significant number of the buildings in the area that are vacant. Rail spur is on-Site but the switch has been removed. The former structures on the Site are unoccupied and include a two level office building and an adjacent vacant, open structure that was formerly part of a factory that manufactured heavy industrial equipment. Portions of the factory had been demolished on a prior occasion in 2007. Prior to the Removal Action, numerous debris piles of formerly demolished structure which were contaminated with asbestos were located throughout the property. Directly east-southeast on the

Site is a large grassy/wooded area. The nearest residential properties are located approximately 0.25 miles from the Site.

The Office of the County Auditor for Cuyahoga County, Ohio identifies the Site as being comprised of three parcels: Cuyahoga County Parcel Nos. 646-03-001, 646-04-001, and 646-04-002. A search of these three parcels on the Cuyahoga County Geographical Information Systems website reveals the following details, where the Site is bordered by a dark black line, north is toward the top of the page and a distance legend depicts boundary distances:



Based on visual inspections of field conditions the following distinct receptor populations were considered:

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

1.3 SITE BACKGROUND

From the 1920s until around 2000, the Site was used by the Cleveland Trencher Company to fabricate, paint and assemble metal components for trenching and excavating equipment. In 2007, then-Site owner Gary Thomas contracted with Nationwide Demolition ("Nationwide"), a demolition company, to have the structures on the Site demolished. Prior to demolition efforts, the presence of friable and non-friable asbestos required asbestos abatement, removal and disposal. Nationwide contracted with Asbestek, Inc., ("Asbestek") a startup abatement operation, to abate and remove friable and non-friable asbestos at the Site. Asbestek knowingly performed incomplete friable asbestos abatement efforts in September 2007 but informed Nationwide that abatement was in fact complete and that structures were suitable for demolition. It is believed that Nationwide was also aware that asbestos abatement was incompletely performed but nevertheless proceeded with demolition. Nationwide commenced demolition of portions of the factory, but its demolition efforts were halted by the Ohio Environmental Protection Agency ("Ohio EPA") when Ohio EPA inspectors determined that asbestos contamination remained at the Site. Safe Environmental was not involved in the 2007 asbestos abatement efforts and did not contract, agree, or otherwise arranged for disposal or treatment of asbestos at the Site. Safe Environmental did not transport or arrange with a transporter for transport and/or for disposal or treatment of asbestos or any hazardous substances at the Site. Safe Environmental is not and was not an owner of the Site at any time.

The Ohio EPA conducted a Site survey after it halted demolition efforts at the Site and then sent its findings to the EPA. EPA reports indicated that the Ohio EPA found not only asbestos contamination at the Site, but also one hundred twenty corroding (120) drums and containers of materials, primarily containing lead paints, oils, and solvents. EPA reports also determined that transformers on the Site contained polychlorinated biphenyls.

1.4 UNILATERAL ADMINISTRATION ORDER

On June 21, 2010 the EPA issued an "Administrative Order Pursuant to Section 106(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as Amended, 42 U.S.C. § 9606(a)" naming Site former and current owners Metin Aydin ("Aydin"), the Joseph Piscazzi Trust, and Thomas, along with Nationwide and Asbestek as respondents and "liable parties" as defined by 42 U.S.C. § 9606(a) for the cleanup of hazardous substances at the Site including asbestos, lead and methyl ethyl ketone. Subsequently, counsel for Nationwide provided the EPA with an affidavit of Asbestek owner Thomas Amaya ("Amaya") in which Amaya claimed that Asbestek had performed abatement efforts at the Site using Safe Environmental's Ohio Asbestos Abatement Contractor License "Ohio License." On July 27, 2010 the EPA issued a First Amendment ("UAO") to the June 21, 2010 Administrative Order adding Safe Environmental as a respondent and liable party based on Amaya's affidavit.

1.4.1 Safe Environmental's Response to UAO

Safe Environmental never provided Asbestek or Amaya with authority to use Safe Environmental's Ohio License and substantial evidence shows that Amaya fraudulently performed asbestos abatement by identifying Safe Environmental's Ohio License to state officials prior to its

incomplete abatement efforts at the Site. Safe Environmental denied that it was a liable party and challenged the EPA's findings through the limited statutory mechanisms available under CERCLA. The EPA declined to release Safe Environmental as a liable party. Safe Environmental complied with the UAO and performed the required actions with respect to asbestos remediation and removal only, which the EPA authorized as an acceptable and complete response to the UAO by Safe Environmental. Upon information and belief, Asbestek, Nationwide, Thomas, and Aydin failed to comply with any required action mandated by the UAO. The Final Report documents the Removal Action undertaken on behalf of Safe Environmental in compliance with the UAO.

2.0 PROJECT SCOPE, PERFORMANCE STANDARDS AND MANAGEMENT TEAM

2.1 PROJECT SCOPE OF WORK

The major Removal Action objective for the Site was to eliminate potential asbestos exposure by removing and decontaminating all visible asbestos debris from the remaining Site buildings, concrete pads, and soils. The major components of the removal action included the following tasks:

- Mobilization, Site preparation activities, including mobilization personnel, equipment and temporary support facilities;
- The installation or upgrade of Site control measures, establishment of work zones, preparation of equipment and material staging areas, construction of treatment areas and haul roads, installation of time integrated air sampling units, and identification of above ground and buried utilities;
- Installation of time integrated air sampling systems to evaluate air quality conditions during implementation of the Removal Action;
- The decontamination of all existing structures containing asbestos containing materials;
- The cleaning decontamination of all existing concrete pads of asbestos containing dust and debris;
- The removal of all asbestos containing materials identified on soil surface;
- Final visual inspection of all asbestos abatement areas by an independent third-party;
- Demobilization; and
- Visual inspection and walkthrough by Precision, RCS, the EPA and Safe Environmental.

2.2 PERFORMANCE STANDARDS

Precision Environmental conducted the Removal Action at the Site and used RCS to perform analytical sampling during the process.

RCS prepared an Asbestos Sampling Plan (ASP) which was approved by the EPA. As outlined in the ASP, the performance standards were developed to control risks proposed by direct contact, ingestion, and inhalation of contaminated materials at the Site. The performance standards include those cleanup standards, standards of control, and other substantive requirements, criteria, or limitations described in RCS's submission to the EPA on behalf of Safe Environmental.

Air sampling at the property perimeter and within the Exclusion Zone was conducted daily using National Institute for Occupational Safety and Health ("NIOSH") 7400 sampling techniques and Phase Contrast Microscopy (PCM) techniques. Daily air results in these areas were limited to 0.005 fibers per square centimeter or less. Any PCM result greater than 0.005 fibers per square centimeter were further analyzed using NIOSH Method 7402.

All work areas were visually inspected by an Ohio Department of Health certified Asbestos Hazard Evaluation Specialist. The inspection was 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 was deemed complete by the EPA on November 23, 2011.

2.3 PROJECT MANAGEMENT TEAM

EPA On-Scene Coordinator

EPA On-Scene Coordinator Stephen Wolfe ("Wolfe") had the overall responsibility for all phases of the Removal Action. Wolfe approved the Work Plan and Health and Safety Plan submitted by Precision to address Removal Actions. The On-Scene Coordinator's primary responsibility was to ensure proper coordination of Removal Actions required by the UAO and identified in the Work Plan and Health and Safety Plan.

Project Manager

The Project Manager was John Savage ("Savage") of Precision Environmental. Savage reported directly to the On-Scene Coordinator and Safe Environmental in order to ensure that the Removal Actions were conducted in compliance with the approved Work Plan and Health and Safety Plan. His primary responsibilities included resolving issues concerning staffing, compliance of the Work Plan and Health and Safety Plan, providing weekly status reports of the progress of removal activities, updating the project implementation schedule, resolving issues, and contract administration.

Field Project Manager

The Field Project Manager was Kenneth Yates (“Yates”) of Precision Environmental. Yates was responsible for ensuring that removal activities were performed and completed in accordance with the Work Plan and Health and Safety Plan and with federal, state, and local regulations. Yates’ specific responsibilities included the following:

- Provide personnel and equipment for removal activities;
- Notify the Project Manager and On-Scene Coordinator of any changes in field personnel and the names and qualifications of any subcontractors not identified in the Work Plan, including disposal facilities, transporters or analytical laboratories used to implement the removal action;
- Ensure that Precision associates performed their designated duties in strict accordance to the Health and Safety Plan;
- Notify appropriate personnel identified in the Health and Safety Plan in the event that the Contingency Plan was implemented;
- Ensure the Removal Action was completed consistent with the approved Work Plan and within the approved schedule;
- Facilitate effective communications with the EPA;
- Communicate any request for modifications of the Work Plan to the EPA; and,
- Promptly notify the On-Scene Coordinator in the event of any unforeseen field conditions and/or if encountered problems.

On-Site Environmental Consultant

The on-Site Environmental Consultants were Cecil Brannon (“Brannon”) and Michael Schmidt, (“Schmidt”) of RCS. Brannon provided daily on-Site sampling. Schmidt supervised sampling activities, provided audit functions and ensured quality control functions. Schmidt reviewed and recorded the analytical results. Brannon and Schmidt operated independently of Precision’s Field Project Manager, and communicated any unresolved analytical results directly to the OSC. Brannon and Schmidt’s specific responsibilities included the following:

- Adherence to the approved ASP;

- Documentation of any deviations to the Work Plan with a justification for the deviations, and if necessary appropriate notification in accordance with the approved ASP;
- Collection and shipment of samples at the specified frequencies and for laboratory analysis parameters specified in the ASP;
- Documentation of the location, time, and date of all samples that were collected and shipped to the laboratory;
- Notification of the Field Project Manager and the On-Scene Coordinator of any sampling activities associated with implementation of the approved Work Plan; and
- Obtaining analytical results and reporting the data to the Field Project Manager and the On-Scene Coordinator.

3.0 ON-SITE REMOVAL ACTIVITIES

Safe Environmental received EPA's approval of the Work Plan and Health and Safety Plan on August 5, 2011.

3.1 PRE-CONSTRUCTION MEETING

A preconstruction meeting was held at the Site on or about August 22, 2011. The purpose of the meeting was to review the approved Work Plan, clarify any remaining issues, conduct a walk-through of the Site to inspect the property, and discuss logistics for removal activities. Continued construction meetings were held at the Site throughout the Removal Action when necessary for further inspection and discussion relating to the Removal Action.

3.2 MOBILIZATION AND SITE PREPARATION

On Monday, August 15, 2011, Precision Environmental mobilized personnel and equipment to the Site, and began preliminary set up in preparation activities in accordance with the approved Work Plan. Those activities included the delineation and establishment of work zones, setup of temporary office trailers, setup of decontamination areas, setup and orientation of health and safety facilities, setup of support facilities, establishment of Site security protocol, setup of air sampling stations and visible dust control areas, coordination with suppliers and subcontractors associated with the field work, and utility identification.

3.2.1 Support Facilities

Project mobilization preparation activities included establishing administrative support facilities, supply storage areas, decontamination areas, and staging areas for excavated materials. Support facilities were located within existing property boundary near the North entrance/exit to the property.

Precision's temporary office facilities were utilized during removal activities. The office facility was equipped with computer systems, telephone service and reproduction systems. Project plans, drawings and supporting documentation were maintained in the office facility. Sanitary facilities were also provided near the support facilities. A temporary office and support facilities were also provided for the On-Scene Coordinator and other government inspectors and representatives.

Equipment and supply storage areas were established adjacent to the appropriate work areas. Personnel and equipment decontamination areas were constructed and identified in accordance with the Health and Safety Plan.

3.2.2 Site Health and Safety Plan

Prior to the start of on-Site activities, all personnel involved with abatement activities were required to read and familiarize themselves with the Health and Safety Plan. In accordance with the Health and Safety Plan, an orientation session was held at the initiation of abatement activities for all Precision employees, associates and subcontractors working at the Site. All personnel working on the property throughout the project read and signed off on the Health and Safety Plan, indicating their review and understanding of its contents. Additionally, daily health and safety meetings were held on specific topics, visitor protocols, work activities, and related health and safety topics throughout the duration of abatement activities. These daily health and safety meetings were detailed in the weekly project reports which were submitted to the On-Scene Coordinator throughout the Removal Action.

3.2.3 Site Security and Work Zones

Site security measures were established during mobilization and Site preparation activities. Site security was provided during working and nonworking hours through perimeter fencing and Site personnel.

Work zones were established and enforced during abatement activities. Decontamination, demolition, excavation, and treatment areas were identified as Exclusion Zones. These areas were demarcated utilizing signs, barricades, tape, fencing, or other physical barriers.

A personal decontamination trailer was located adjacent to the support facilities. All decontamination procedures adhered to methods outlined in the Health and Safety Plan. Vehicle equipment decontamination areas were also constructed at the main entrance to the property so that no mud, dirt or visible dust left the Site.

The decontamination area was constructed of concrete and surrounded with berms to contain decontamination water. Wet procedures were used to decontaminate all vehicles that had passed through areas potentially impacted by dust or mud from abatement activities. The location of the Contamination Reduction Zone was adjusted during certain phases of work to provide adequate protection of personal and proper decontamination of equipment and vehicles.

The Support Zone included a support/administration facilities, sanitary facilities and parking areas. These areas were clearly marked with appropriate signs for identification.

3.2.4 Visible Dust Control

During work activities, strict dust control measures were implemented. Dust suppression systems were located throughout the Exclusion Zone. These systems consisted of water mist and spray devices used to minimize airborne dust. The amount of water used was sufficient to control visible dust, while preventing significant accumulation of residual water on the ground surface. Spraying of hauling routes on the property and the road near the main gate was conducted to minimize airborne dust.

To ensure that the dust suppression systems were effective, high-volume air sampling devices were utilized during the work activities in locations approved by the EPA. The daily air sampling results were reviewed by the EPA representatives and submitted to the Project Manager. Work procedures and/or dust control measures were adjusted as needed to minimize visible particulates or to address action level exceedances.

3.2.5 Utility Identification

Identification of the utilities was coordinated with the utility location service to demarcate the following utilities:

- Sanitary sewer lines;
- Condensate lines;
- Storm water drains and systems;
- Electric lines;
- Water lines;
- Natural gas lines;
- Fiber optic lines; and
- Overhead utilities.

Each utility was identified with individual flags, signs, or other devices.

3.3 ASBESTOS ABATEMENT

Certified asbestos workers removed all visible asbestos debris from the interior of Site structures, remaining concrete pads, and soil debris areas. Once all visible debris was removed, the surfaces were cleaned using HEPA vacuums and wet methods. Proper work methods were employed to avoid generation of visible dust during the abatement activities.

All asbestos waste was containerized in plastic asbestos bags or placed in plastic lined dumpsters. All containerized asbestos waste was thoroughly cleaned before leaving the work Site. All containerized asbestos waste was labeled with the proper EPA, Ohio Department of

Transportation and Ohio Occupational Safety and Administration required labels. No waste left the Site without proper documentation including signed waste manifests.

3.4 TRANSPORT AND DISPOSAL

All waste streams were transported off-Site by tandem truck, roll-off box, or similar truck transport system. Open top trailers were covered with a suitable tarpaulin prior to leaving the Site. Neither free liquids nor saturated soils were placed in truck beds. All truck wheels and undercarriages were decontaminated with water prior to leaving the Site. Decontamination water was collected and put through a 5-micron filter prior to discharge to the city sanitary sewer system.

All asbestos waste was transported to and for disposal at Minerva Enterprises, LLC, 8955 Minerva Rd S.E., Waynesburg, Ohio 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 asbestos contaminated material from the Site to Minerva for disposal. Waste manifests, including dates, volumes and weights of transported material, may be found in the Appendix.

4.0 HEALTH AND SAFETY

Prior to the initiation of work at the property, all field team members were required to read and familiarize themselves with the approved Health and Safety Plan. The initial mandatory health and safety meeting was held with the field crew where the following topics were reviewed and discussed in detail:

- The history and contaminants of concern at the Site;
- The identified health and safety concerns associated with the scope of work;
- Required level of personal protection equipment and respirator protection to be worn during field activities;
- The Site layout of the work zones;
- The procedure for personnel and equipment decontamination;
- Local emergency phone numbers and route to the nearest hospital;
- Utility and vendor information; and
- Applicable Material Safety Data Sheets (MSDS).

4.1 HEALTH AND SAFETY MEETINGS

Daily safety meetings were held during the Removal Activities as required by Precision Environmental's corporate health and safety policy, in accordance with the Health and Safety Plan. The meetings included discussions on the work to be performed that day, responsibilities of the field team members, and the associated health and safety issues.

4.2 ESTABLISHMENT OF DECONTAMINATION AREAS

Areas dedicated to decontamination of both personnel and equipment were established prior to initiation of the abatement activities. Personnel decontamination areas were located near the designated exclusion zone. A Decontamination Facility was constructed within the Support Zone of the project. The Decontamination Facility consisted of a clean room, shower room, and an equipment (dirty) room. Each chamber was separated by air locks using a series of polyethylene flaps and/or doors.

All workers were required to decontaminate each time they left the work area. All equipment was showered out or wet-wiped before being removed from the decontamination facility. Wastewater was removed from the shower by a two-stage filtering pump fitted with a 5-micron final filter. A separate area was constructed for the decontamination of the waste trucks. A concrete pad was constructed with a drain for wastewater. Each truck had its tires and under carriage washed with water from pressure washers before leaving the project Site. All wastewater was collected and filtered by a two-stage filtering pump fitted with a 5-micron final filter.

4.3 PERSONAL PROTECTIVE EQUIPMENT

Personnel were required to wear half-face air purifying respirators during activities involving asbestos abatement and decontamination of on-Site surfaces. Personnel were required to have current medical qualifications to wear respirators. Medical qualifications consisted of a qualified physician's written opinion regarding the employee's ability to safely wear a respirator in accordance with 29 CFR 1910.134. Hearing protection was also required when noise levels were in excess of the 85 dBA time-weighted average. Other protective equipment included protective coveralls, hardhats, safety glasses, high visibility vests, steel toe boots, and nitrile and outer gloves.

5.0 ASBESTOS SAMPLING PLAN

The Asbestos Sampling Plan (ASP) was used as a guide for the abatement and cleanup activities being conducted at the Site. The ASP is the framework for conducting environmental sampling during a complex asbestos abatement project.

The ASP determined the exposure pathways of potential receptor populations. It was 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 were considered:

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

5.1 ASBESTOS AIR SAMPLING

5.1.1 Air Sampling General

All laboratory analysis of samples was conducted by International Asbestos Testing Laboratories, 9000 Commerce Parkway, Mt. Laurel, New Jersey 08054 ("IATL"). IATL is certified by the American Industrial Hygiene Association and National Voluntary Laboratory Accreditation Program. All samples were sent to the IATL under chain of custody procedures. All sampling equipment was calibrated daily in the field with a rotameter which had been calibrated using a primary standard.

5.1.2 Daily Perimeter Air Sampling

Perimeter Air Sampling was conducted on a daily basis. Perimeter samples were collected upwind from the day's planned asbestos abatement work. In addition, samples were collected within the Support Zone of the project. Additional perimeter samples were collected downwind as close to the day's work area as possible. The exact location of the perimeter sampling was determined daily based on wind direction and planned abatement activities.

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

Any PCM result greater than 0.005 fibers per square centimeter was further analyzed using NIOSH Method 7402. The NIOSH 7400 Method uses a transmission electron microscope (TEM) 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.

All perimeter air sampling results at the Site were less than 0.005 fibers per cubic centimeter of air.

5.1.3 Daily Personal Air Sampling

RCS conducted personal air sampling of the abatement contractor's personnel. Samples were conducted on approximately 25% of the contractor's workforce. Personal samples were collected using calibrated low flow pumps. Samples were analyzed using the NIOSH 7400 PCM

method. Samples were collected in a manner consistent with OSHA regulations for determining a Permissible Exposure Limit and a 30-minute excursion limit.

All personal air sampling results were below the OSHA PEL of 0.10 fibers per cubic centimeter.

6.0 RECORDKEEPING, REPORTING AND SCHEDULE

6.1 FIELD DOCUMENTATION

Field documentation for asbestos abatement activities performed at the Site property included field progress, on-Site difficulties or issues, sample tracking activities, production rates for abatement, and completed daily safety logs. Field logbooks were maintained by the Field Project Manager and have been archived along with all the Site documentation in a secure location within the Precision's corporate office.

6.2 WEEKLY REPORTS


Precision's Project Manager prepared and maintained daily fieldwork reports, including the Project Manager's daily journal, and other records that summarize all activities performed during the completion of the abatement activities. Precision prepared status reports on a weekly basis to summarize activities performed at the Site during the previous week. Items included in the weekly report included:

- Work completed since last report;
- Scheduled status;
- Deviations if any from the work plan;
- New issues;
- Resolved issues;
- Changes to scope, if any; and
- Work to be completed the following week.

7.0 CERTIFICATION

Pursuant to the requirements of UAO Section 3.5, Safe Environmental hereby makes the following 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.



Patrick J. Thomas
Attorney for Safe Environmental
Corporation of Indiana

3/12/12
Date

Respectfully submitted,


Patrick J. Thomas

Encl.: Appendix, Exhibits 1-4 on Compact Disc

CERCLA 106(b) Petition

EXHIBIT 94

Completion of the required action is a prerequisite for review under Section 106(b)(2)(A) of CERCLA, 42 U.S.C. § 9606(b)(2)(A). However, EPA has not yet made a determination, pursuant to the procedure established in the UAO, that the actions required under the UAO have been completed. It is EPA's position that until EPA completes its review of the Final Report remitted by Safe on December 15, 2011, in conjunction with subsequent revisions that Safe submitted to EPA, and notifies Safe that the response actions have been fully performed, the matter is not ripe for review by the EAB.

The UAO was issued on June 21, 2010, and required a number of Potentially Responsible Parties ("PRPs") to conduct a removal action to address asbestos contamination and drums of hazardous waste at the Site. Safe was added to the UAO on July 27, 2010, under a modification titled "First Amendment of Administrative Order Issued on June 21, 2010" ("UAO Amendment"). The UAO and UAO Amendment are provided in the Petition as Petitioner's Exhibits 1 and 40. Safe conducted the asbestos cleanup, while another PRP¹ addressed the drums of hazardous waste. Safe then submitted to EPA a Final Report on December 15, 2011, summarizing Safe's action, as required by Section V, Paragraph 3.5 of the UAO.² A Final Report must meet certain requirements enumerated in Section V, Paragraph 3.5 of the UAO, and in 40 C.F.R. Section 300.165. On or about January 9, 2012, EPA informed Safe that there were certain deficiencies in its Final Report and requested Safe to submit a revised report. Safe supplied EPA with the revised report on March 2, 2012. Safe supplied EPA with further revisions on March 12, 2012, after receiving EPA comments. As of the date of this motion, EPA has not yet given notice that the asbestos response action has been fully performed.³

¹ Namely, the Joseph J. Piscazzi Revocable Living Trust U/A Dated January 7, 1997 (the "Trust").

² The Trust submitted a separate Final Report for the drums on January 25, 2012.

³ EPA has also not yet given notice that the response action for the drums has been completed.

Section XII (Notice of Completion) of the UAO provides the mechanism for notifying Safe that its work has been completed. Generally, EPA's Notice of Completion constitutes "completion of the required action" for purposes of a petition for reimbursement under CERCLA § 106(b)(2)(A). See In re Glidden Co. and Sherwin-Williams Co., 10 E.A.D. 738, 747 n.7 (EAB 2002) (citing In re Solutia, Inc., 10 E.A.D. 193 (EAB 2001); In re A&W Smelters and Refiners, Inc., 6 E.A.D. 302 (EAB 1996), affirmed 962 F.Supp. 1232(N.D. Cal 1997), affirmed in part and reversed in part on other grounds, 146 F.3d 1107 (9th Cir. 1998); In re ASARCO, Inc., 6 E.A.D. 410, 419 (EAB 1996)). Under Section XII, EPA will provide written notice to the PRPs if EPA determines, after review of the Final Report, that all work has been fully performed in accordance with the UAO (except for certain continuing obligations). Section XII further states that if EPA determines that any removal activities have not been completed in accordance with the UAO, EPA will so notify the PRPs, provide a list of deficiencies, and require a modified Work Plan, implementation of such Work Plan, and a modified Final Report.

The Final Report is itself a UAO requirement, and as such is a "required action" for purposes of CERCLA § 106(b)(2)(A). See Employers Insurance of Wausau v. Browner, 52 F.3d 656, 663 (7th Cir. 1995) (construing "completion of the required action" to mean "required by the order" and "whatever action is required by the terms of any order."); Glidden, 10 E.A.D. at 746 (construing "required action" to mean "actions required by the UAO"). Completion of the required action must include, but is not limited to, completion of on-site activities as well as submission and review of a complete and sufficient Final Report. It is through its review of the Final Report that EPA determines whether or not all actions have been completed in accordance with the UAO.