



**RCS Environmental Group**

**ASBESTOS AIR MONITORING REPORT**

Date 10/3/2011  
 Client Precision  
 Project Cleveland Trencher  
 Project No. \_\_\_\_\_  
 Analytical Method \_\_\_\_\_

**DESCRIPTIVE INFORMATION**

SAMPLE I.D.	SAMPLE TYPE	WORKERS NAME	SOCIAL SECURITY #	LOCATION	ACTIVITY	RESPIRATOR TYPE
100311-01	Perimeter	/	/	Building Center-Eastside	CLN	HM
100311-02	Perimeter	/	/	Southeast Center	CLN	HM
100311-03	Perimeter	/	/	Eastside @ Int Pump	CLN	HM
100311-04	Perimeter	/	/	Northend in Decan Area	CLN	HM
100311-05	FB			Field Blank		

**ANALYTICAL INFORMATION**

SAMPLE I.D.	PUMP #	CALIB. FLOW RATE (L/min)			RUNNING TIME (min)			VOLUME (Liters)	FIBERS/FIELDS	FIBERS/mm <sup>3</sup> (Blank Corr)	LOG FIBERS/cm <sup>3</sup>	FIBER/cm <sup>3</sup> (Blank Corr)
		BEGINNING	END	AVERAGE	START	STOP	DURATION					
100311-01	99	3.0	3.0	3.0	0712	1459	467	1401				
100311-02	20	3.0	3.0	3.0	0713	1500	467	1401				
100311-03	49	3.0	3.0	3.0	0714	1502	468	1404				
100311-04	79	3.0	3.0	3.0	0718	1504	466	1398				
100311-05	NA	NA	NA	NA	NA							

**KEY TO ABBREVIATIONS**

SAMPLE TYPE	ACTIVITY	RESPIRATOR
PRB = personal HEX = exhaust	FC = final clearance EVS = exposure	HM = half mask FF = full face

Comments \_\_\_\_\_

Sampled by [Signature] Date 10/03/2011

JLLP-PRECISION000495



**RCS Environmental Group**

**ASBESTOS AIR MONITORING REPORT**

Date 10/3/2011  
 Client Precision  
 Project Cleveland Trencher  
 Project No. \_\_\_\_\_  
 Analytical Method \_\_\_\_\_

**DESCRIPTIVE INFORMATION**

SAMPLE I.D.	SAMPLE TYPE	WORKERS NAME	SOCIAL SECURITY #	LOCATION	ACTIVITY	RESPIRATOR TYPE
100311-06	EXC	Scott Cline	1222	Decon Area	Cleaning by Hand	CLN HM
100311-07	PRS	Scott Cline	1222	Decon Area	Cleaning 1/2 hp with Drum in Area 2 <sup>nd</sup>	CLN HM
100311-08	EXC	Jame Omalloy	1708	Decon Area	Cleaning Using Bobcat	CLN HM
100311-09	PRS	Jame Omalloy	1708	Decon Area	Cleaning by Hand & Bobcat Pressure Washer	CLN HM
100311-10	FB	NA	NA	Field	Blank	

**ANALYTICAL INFORMATION**

SAMPLE I.D.	PUMP #	CALIB. FLOW RATE (L/min)			RUNNING TIME (min)			VOLUME (Liters)	FIBERS/FIELDS	FIBERS/mm <sup>3</sup> (Blank Corr)	LOG FIBERS/cm <sup>3</sup>	FIBER/cm <sup>3</sup> (Blank Corr)
		BEGINNING	END	AVERAGE	START	STOP	DURATION					
100311-06	P01	2.0	2.0	2.0	0702	0732	30	60				
100311-07	P01	2.0	2.0	2.0	0732	1509	457	914				
100311-08	P02	2.0	2.0	2.0	0702	0732	30	60				
100311-09	P02	2.0	2.0	2.0	0732	1610	458	916				
100311-10	NA	NA	NA	NA	NA	NA	NA	NA				

**KEY TO ABBREVIATIONS**

SAMPLE TYPE	ACTIVITY	RESPIRATOR
PRS = personal HEX = hepa exhaust FB = field blank	FC = final clearance EXC = excursion IWA = inside work area	REM = removal CLN = clean-up GLBG = glove bag HM = half mask FF = full face P = powered NA = not applicable

Comments \_\_\_\_\_

Sampled by CLP Date 10/03/2011



**RCS Environmental  
Group**

DATE: 10/4/2011  
 PROJECT: Cleveland Trencher  
 FIELD REPORT No.: 18  
 PAGE

**ASBESTOS DAILY FIELD REPORT**

**FIELD OBSERVATIONS:**

0700 Cecil Brannon on site for RCS Weston Solution on-site Kenny Yates with 2 workers for Precision 2 workers suit up trucks with 1/2 size respirators and clean southern of Decon area working south by New Building using water hand tools + Bobcat Kenny Yates is loading noise tool or toilet equipment Precision is done with.  
 Temp. 52° 7MPH North

1200 Lunch

1230 2 Worker Suit up finish cleaning Decon Area  
 Kenny Yates and Precision and Cecil Brannon of RCS suit up and walk the work area for final visual inspection.

1500 Work is clean up for end of shift and load equipment.

1530 Precision Enviro Serve + RCS off-site

1400 Enviro Serve on-site Setup for removal of cans + Drums.

Temp 64 12MPH Northwest

INFORMATION OR ACTION REQUIRED BY CONTRACTOR: \_\_\_\_\_

INFORMATION OR ACTION REQUIRED BY RCS: \_\_\_\_\_

INFORMATION OR ACTION REQUIRED BY THE OWNER: \_\_\_\_\_

DISTRIBUTION

- \_\_\_ OWNER
- \_\_\_ CONTRACTOR
- \_\_\_ RCS OFFICE
- \_\_\_ FIELD OFFICE
- \_\_\_ LABORATORY

REPORTED BY: [Signature]



**RCS Environmental Group**

**ASBESTOS AIR MONITORING REPORT**

Date 10/4/2011  
 Client Precision  
 Project Cleveland Trencher  
 Project No. \_\_\_\_\_  
 Analytical Method \_\_\_\_\_

**DESCRIPTIVE INFORMATION**

SAMPLE I.D.	SAMPLE TYPE	WORKERS NAME	SOCIAL SECURITY #	LOCATION	ACTIVITY	RESPIRATOR TYPE
100411-01	Perimeter	/	/	Building Center Eastside	CLN	HM
100411-02	Perimeter	/	/	Southend Center	CLN	HM
100411-03	Perimeter	/	/	Eastside @ Sule Pump	CLN	HM
100411-04	Perimeter	/	/	Northend in Decon Area	CLN	HM
100411-05	FB	/	/			

**ANALYTICAL INFORMATION**

SAMPLE I.D.	PUMP #	CALIB. FLOW RATE (L/min)			RUNNING TIME (min)			VOLUME (Liters)	FIBERS/FIELDS	FIBERS/mm <sup>3</sup> (Blank Corr)	LOQ FIBERS/cm <sup>3</sup>	FIBER/cm <sup>3</sup> (Blank Corr)
		BEGINNING	END	AVERAGE	START	STOP	DURATION					
100411-01	99	3.0	3.0	3.0	0717	1439	1326					
100411-02	20	3.0	3.0	3.0	0720	1440	1326					
100411-03	49	3.0	3.0	3.0	0722	1441	1317					
100411-04	74	3.0	3.0	3.0	0724	1444	1332					
100411-05	NA	NA	NA	NA	NA	NA	NA	NA				

**KEY TO ABBREVIATIONS**

SAMPLE TYPE	ACTIVITY	RESPIRATOR
PRS = personal	FC = final clearance	HM = half mask
HEX = hepa exhaust	EXC = excursion	FF = full face
		P = powered

Comments \_\_\_\_\_

Sampled by [Signature] Date 10/4/2011

JLLP-PRECISION0000498



RCS Environmental Group

ASBESTOS AIR MONITORING REPORT

Date 10/4/2011  
 Client Precision  
 Project Cleveland Trencher  
 Project No. \_\_\_\_\_  
 Analytical Method \_\_\_\_\_

DESCRIPTIVE INFORMATION

SAMPLE I.D.	SAMPLE TYPE	WORKERS NAME	SOCIAL SECURITY #	LOCATION	ACTIVITY	RESPIRATOR TYPE
100411-06	EXC	Scott Cline	1222	Eastside Decon Area Working South	CLN	HM
100411-07	PRC	Scott Cline	1222	Northeast Decon Area Cleaning	CLN	HM
100411-08	FB	NA	NA	Field Blank		

ANALYTICAL INFORMATION

SAMPLE I.D.	PUMP #	CALIB. FLOW RATE (L/min)			RUNNING TIME (min)			VOLUME (Liters)	FIBERS/FIELDS	FIBERS/mm <sup>3</sup> (Blank Corr)	LOQ FIBERS/cm <sup>2</sup>	FIBER/cm <sup>2</sup> (Blank Corr)
		BEGINNING	END	AVERAGE	START	STOP	DURATION					
100411-06	P01	2.0	2.0	2.0	0731	0801	30	60				
100411-07	P01	2.0	2.0	2.0	0901	1550	409	818				
100411-08	NA	NA	NA	NA	NA	NA	NA	NA				

KEY TO ABBREVIATIONS

SAMPLE TYPE	ACTIVITY	RESPIRATOR
PRS = personal HEX = hepa exhaust	FC = final clearance EXC = excursion	REM = removal CLN = clean-up FF = full face HM = half mask

Comments \_\_\_\_\_

Sampled by [Signature] Date 10.4.2011

JLLP-PRECISION0000499

SCA Piscazzi Gary Thomas



10/4/2011 5:20 7MPH North  
↓

JLLP-PRECISION000500



**RCS Environmental  
Group**

DATE: \_\_\_\_\_  
PROJECT: \_\_\_\_\_  
FIELD REPORT No.: \_\_\_\_\_  
PAGE \_\_\_\_\_

**ASBESTOS DAILY FIELD REPORT**

**FIELD OBSERVATIONS:**

9/26/2011 Kenny Yates of Precision and Cecil Brunner walk the 1<sup>st</sup> Area that has been cleaned for Passes Visually Inspected for Visual Debris This is the Northeastend ~~North~~ Center inside Building

9/28/2011 Kenny Yates of Precision and Cecil Brunner walk the 2<sup>nd</sup> Area that has been cleaned. It Passed Visually Inspected for Visual Debris This is the Northwest to South all of the inside Building Area under roof

10/3/2011 Kenny Yates of Precision and Cecil Brunner walk the 3<sup>rd</sup> Area that has been cleaned Area of the Building that has been Democed remove where once the concert is there. Southwest To East around the Drum Area #2 Not the Drum Area. This Area Pass Visual Inspection for Visual Debris

10/4/2011 Kenny Yates of Precision and Cecil Brunner of RCS walk the Site for Final Visual Inspection Decou Area and The Whole Site Are Visual Debris Cleanup Except where the Drum are in Area 2<sup>nd</sup> Drums and the original location for storing the Drums Prior to Precision arrival

INFORMATION OR ACTION REQUIRED BY CONTRACTOR: \_\_\_\_\_

INFORMATION OR ACTION REQUIRED BY RCS: \_\_\_\_\_

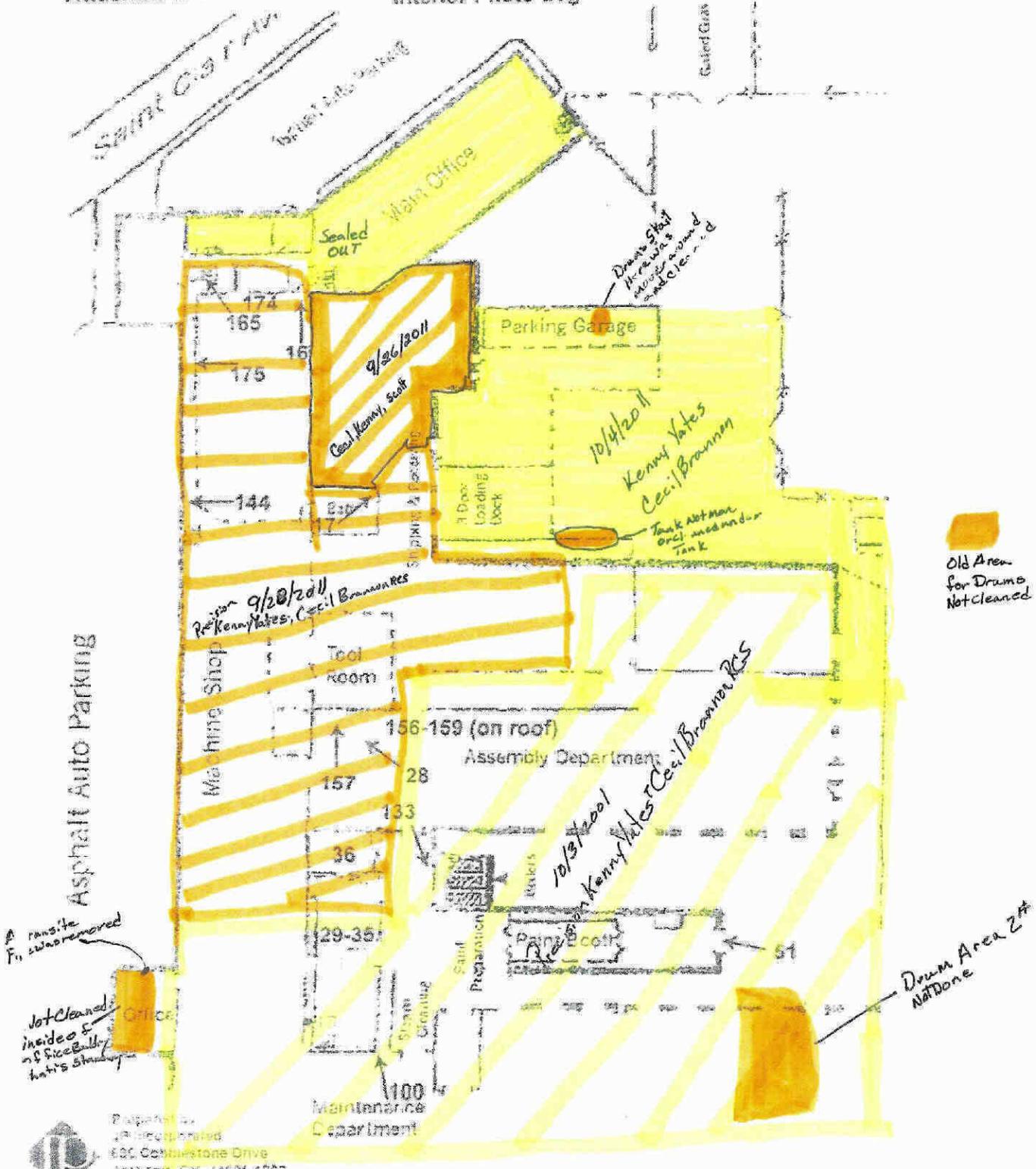
INFORMATION OR ACTION REQUIRED BY THE OWNER: \_\_\_\_\_

**DISTRIBUTION**

- \_\_\_ OWNER
- \_\_\_ CONTRACTOR
- \_\_\_ RCS OFFICE
- \_\_\_ FIELD OFFICE
- \_\_\_ LABORATORY

REPORTED BY: 

Cleveland Trencher  
Interior Photo Log

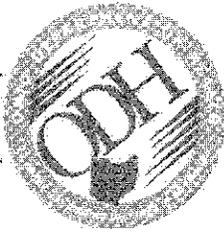



 Prepared by:  
 JLLP Precision  
 630 Commestone Drive  
 Ashburn, VA 44001-1883  
 440-464-1338



*SECTION 4*

**Certifications**



# OHIO DEPARTMENT OF HEALTH

246 North High Street  
Columbus, Ohio 43215

614/466-3543  
www.odh.ohio.gov

John R. Kasich/Governor

Theodore E. Wymyslo, M.D./Director of Health

August 25, 2011

Michael T Schmidt  
RCS Environmental Group  
2812 Shakercrest  
Beachwood OH 44122

RE: Asbestos Hazard Evaluation Specialist ES3126

Dear Michael T Schmidt:

This letter is to inform you that you have been certified by this department as an Asbestos Hazard Evaluation Specialist.

Included with this letter is your identification card. You must present this card upon request at any project site while performing duties. Copies of cards are not acceptable as proof of certification.

This certification may be revoked by the Director of Health for violation of any of the requirements of 3701-34 of the Ohio Administrative Code.

This certification will expire on 10/08/2012.

If you have any questions regarding your identification card, please call and speak with the asbestos licensing staff at (614) 644-0226.

Sincerely,

David Holston, Chief  
Environmental Abatement Section  
Bureau of Information and Operational Support  
Division of Quality Assurance

State of Ohio  
Department of Health  
Division of Quality Assurance - Asbestos Program

**Asbestos Hazard Evaluation Specialist**

**Michael T Schmidt**  
**RCS Environmental Group**  
**2812 Shakercrest**  
**Beachwood OH 44122**

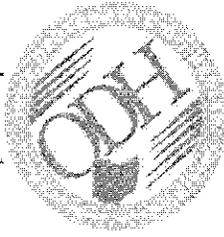
Certification Number **ES3126**      Expiration Date **10/08/2012**



DOB: 03/06/1958

This certification is issued pursuant to Chapter 3701 of the Revised Code and 3701-34 of the Ohio Administrative Code

Certification Card is not valid if altered



# OHIO DEPARTMENT OF HEALTH

246 North High Street  
Columbus, Ohio 43215

614/466-3543  
www.odh.ohio.gov

Ted Strickland/Governor

Alvin D. Jackson, M.D./Director of Health

October 08, 2010

Michael T Schmidt  
RCS Environmental Group  
2812 Shakercrest  
Beachwood OH 44122

RE. Asbestos Hazard Evaluation Specialist ES3126

Dear Michael T Schmidt:

This letter is to inform you that you have been certified by this department as an Asbestos Hazard Evaluation Specialist.

Included with this letter is your identification card. You must present this card upon request at any project site while performing duties. Copies of cards are not acceptable as proof of certification.

This certification may be revoked by the Director of Health for violation of any of the requirements of 3701-34 of the Ohio Administrative Code

This certification will expire on 10/08/2011

If you have any questions regarding your identification card, please call and speak with the asbestos licensing staff at (614) 644-0226.

Sincerely,

Mark J. S. Needham  
Asbestos Program Administrator  
Division of Quality Assurance

State of Ohio  
Department of Health  
Division of Quality Assurance - Asbestos Program

**Asbestos Hazard Evaluation Specialist**

**Michael T Schmidt**  
RCS Environmental Group  
2812 Shakercrest  
Beachwood OH 44122

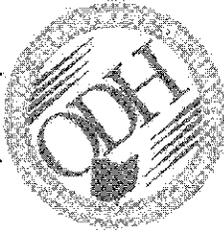
Certification Number: **ES3126**      Expiration Date: **10/08/2011**

DOB: 03/06/1958

This certification is issued pursuant to Chapter 3701 of the Revised Code and 3701-34 of the Ohio Administrative Code

Certification Card is not valid if altered



# OHIO DEPARTMENT OF HEALTH

246 North High Street  
Columbus, Ohio 43215

614/466-3543  
www.odh.ohio.gov

Ted Strickland/Governor

Alvin D. Jackson, M.D./Director of Health

November 29, 2010

Michael T Schmidt  
RCS Environmental Group  
2812 Shakercrest  
Beachwood OH 44122

RE: Asbestos Hazard Abatement Project Designer PD60256

Dear Michael T Schmidt:

This letter is to inform you that you have been certified by this department as an Asbestos Hazard Abatement Project Designer

Included with this letter is your identification card. You must present this card upon request at any project site while performing duties. Copies of cards are not acceptable as proof of certification.

This certification may be revoked by the Director of Health for violation of any of the requirements of 3701-34 of the Ohio Administrative Code.

This certification will expire on 11/24/2011

If you have any questions regarding your identification card, please call and speak with the asbestos licensing staff at (614) 644-0226.

Sincerely,

Mark J. S. Needham  
Asbestos Program Administrator  
Division of Quality Assurance

State of Ohio  
Department of Health  
Division of Quality Assurance - Asbestos Program

**Asbestos Hazard Abatement Project Designer**

**Michael T Schmidt**  
RCS Environmental Group  
2812 Shakercrest  
Beachwood OH 44122

Certification Number: PD60256      Expiration Date: 11/24/2011      DOB: 03/06/1958

This certification is issued pursuant to Chapter 3701 of the Revised Code and 3701-34 of the Ohio Administrative Code      Certification Card is not valid if altered






# **TSI** *Training Services International*

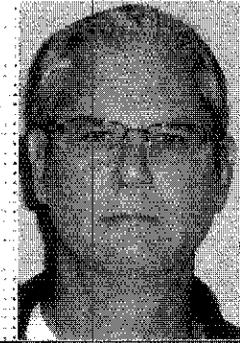
## Asbestos Building Inspector Refresher

Certificate

This is to certify

# Michael Schmidt

## XXX-XX-7725



has attended and successfully completed the Asbestos Hazard Emergency Response Act mandatory course for the Asbestos Building Inspector Refresher and has passed an examination in that course with a minimum score of 70% or better. Training was in accordance with 40 CFR Part 763 (AHERA). The above student received the requisite training for asbestos accreditation under Title II of the Toxic Substances Control Act and State of Indiana requirements under 326 IAC 18-2 and Chapter 3701-34 Ohio Administrative Code.

8/11/12

8/11/11

8/11/11

Cleveland, OH

Training Manager

Expiration Date

Date(s) of Course

Examination Date

Course Location

**TSI**  
33150 Lakeland Blvd.  
Cleveland, OH 44095  
1-866-666-8438

## 11 TSI 40916 ir



# **TSI** *Training Services International*

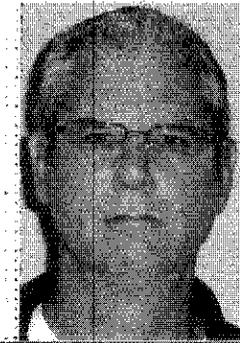
## Asbestos Management Planner Refresher

Certificate

This is to certify

# Michael Schmidt

## XXX-XX-7725



has attended and successfully completed the Asbestos Hazard Emergency Response Act mandatory course for the Asbestos Management Planner Refresher and has passed an examination in that course with a minimum score of 70% or better. Training was in accordance with 40 CFR Part 763 (AHERA). The above student received the requisite training for asbestos accreditation under Title II of the Toxic Substances Control Act and State of Indiana requirements under 326 IAC 18-2 and Chapter 3701-34 Ohio Administrative Code.

<i>Douglas D. Selby</i>	8/11/12	8/11/11	8/11/11	Cleveland, OH
Training Manager	Expiration Date	Date(s) of Course	Examination Date	Course Location

**TSI**  
33150 Lakeland Blvd.  
Cleveland, OH 44095  
1-866-666-8438

### 11 TSI 40917 mpr

State of Ohio  
Department of Health  
Division of Quality Assurance - Asbestos Program

Asbestos Hazard Evaluation Specialist

Cecil E Brannon  
3691 Pioneer Trail  
Mantua OH 44255



Certification Number: ES32811  
Expiration Date: 05/17/2012

DOB: 01/26/1966

This certification is issued pursuant to Chapter 3710 of the Revised Code and 3701-34 of the Ohio Administrative Code

Certification Card is not valid if altered

State of Ohio  
Department of Health  
Division of Quality Assurance - Asbestos Program

Asbestos Hazard Abatement Specialist

Cecil E Brannon  
3691 Pioneer Trail  
Mantua OH 44255



Certification Number: AS26591  
Expiration Date: 05/13/2012

DOB: 01/26/1966

This certification is issued pursuant to Chapter 3710 of the Revised Code and 3701-34 of the Ohio Administrative Code

Certification Card is not valid if altered



# **TSI** *Training Services International*

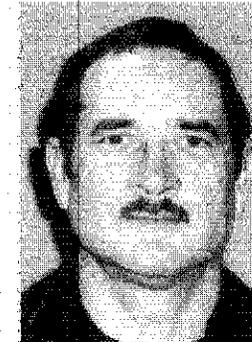
## Asbestos Contractor Supervisor Refresher

Certificate

This is to certify

# Cecil Brannon

## XXX-XX-5640



has attended and successfully completed the Asbestos Hazard Emergency Response Act mandatory course for the Asbestos Contractor Supervisor Refresher and has passed an examination in that course with a minimum score of 70% or better. Training was in accordance with 40 CFR Part 763 (AHERA). The above student received the requisite training for asbestos accreditation under Title II of the Toxic Substances Control Act, State of Indiana requirements under 326 IAC 18-2, Chapter 3701-34 Ohio Administrative Code, and the Illinois Department of Public Health under section 855.120 of Title 77

<i>Robert J. Watten</i>	1/11/12	1/11/11	1/11/11	Cleveland, OH
Training Manager	Expiration Date	Date(s) of Course	Examination Date	Course Location

**TSI**

33150 Lakeland Blvd.  
Cleveland, OH 44095  
1-866-666-8438

### 11 TSI 38085 csr



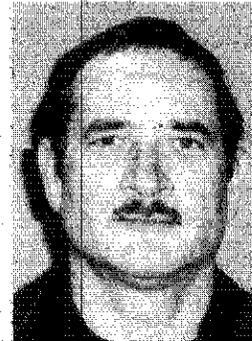
# Asbestos Management Planner Refresher

Certificate

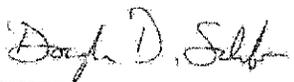
This is to certify

## Cecil Brannon

### XXX-XX-5640



has attended and successfully completed the Asbestos Hazard Emergency Response Act mandatory course for the Asbestos Management Planner Refresher and has passed an examination in that course with a minimum score of 70% or better. Training was in accordance with 40 CFR Part 763 (AHERA). The above student received the requisite training for asbestos accreditation under Title II of the Toxic Substances Control Act and State of Indiana requirements under 326 IAC 18-2 and Chapter 3701-34 Ohio Administrative Code.

	1/12/12	1/12/11	1/12/11	Cleveland, OH
Training Manager	Expiration Date	Date(s) of Course	Examination Date	Course Location

**TSI**  
33150 Lakeland Blvd.  
Cleveland, OH 44095  
1-866-666-8438

### 11 TSI 38125 mpr

JLLP-PRECISION000512



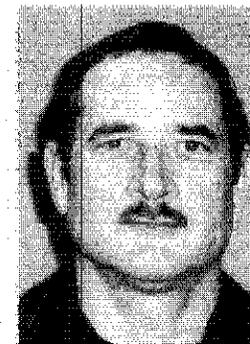
# Asbestos Building Inspector Refresher

Certificate

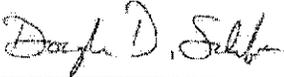
This is to certify

## Cecil Brannon

### XXX-XX-5640



has attended and successfully completed the Asbestos Hazard Emergency Response Act mandatory course for the Asbestos Building Inspector Refresher and has passed an examination in that course with a minimum score of 70% or better. Training was in accordance with 40 CFR Part 763 (AHERA). The above student received the requisite training for asbestos accreditation under Title II of the Toxic Substances Control Act and State of Indiana requirements under 326 IAC 18-2 and Chapter 3701-34 Ohio Administrative Code.

	1/12/12	1/12/11	1/12/11	Cleveland, OH
Training Manager	Expiration Date	Date(s) of Course	Examination Date	Course Location

**TSI**  
33150 Lakeland Blvd.  
Cleveland, OH 44095  
1-866-666-8438

### 11 TSI 38124 ir

CERCLA 106(b) Petition

# EXHIBIT 76

**From:** [Chow.Kevin@epamail.epa.gov](mailto:Chow.Kevin@epamail.epa.gov)  
**To:** [Patrick Thomas](#)  
**Cc:** [Wolfe.Stephen@epamail.epa.gov](mailto:Wolfe.Stephen@epamail.epa.gov)  
**Subject:** Re: Nationwide Demo -- JLLP #929-8 -- PRIVILEGED COMMUNICATION  
**Date:** Thursday, November 10, 2011 3:09:18 PM

---

Pat,

The following days are when Steve is available for a final site walkthrough once the work schedule is complete:

Nov. 14, 16-18, or 21-23  
Dec. 5-9

Please let us know what date works for you and your contractors.

Steve, let us know if these days have to change for any reason.

Kevin  
(312) 353-6181

p.s.  
I'll be out of office tomorrow but I'll try to check emails.

---

Total Control Panel

[Login](#)

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

From:

[chow.kevin@epamail.epa.gov](mailto:chow.kevin@epamail.epa.gov)

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

CERCLA 106(b) Petition

# EXHIBIT 77

**From:** [Patrick Thomas](#)  
**To:** ["Kevin Chow"](#)  
**Cc:** ["Stephen Wolfe"](#)  
**Subject:** Nationwide Demo. - JLLP #929-8 -- PRIVILEGED COMMUNICATION  
**Date:** Monday, November 28, 2011 9:28:00 AM

---

Kevin,

We had the opportunity to attend the Site Inspection and Final Walkthrough with Stephen Wolfe on November 23, 2011. Pursuant to our discussion with Mr. Wolfe, it is Safe Environmental's understanding that all requirements of the Unilateral Administrative Order ("UAO") have been completed to the satisfaction of the EPA and that no further action for cleanup is required.

Pursuant to Section 3.5 of the UAO, we will submit our Final Report in the near future.

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 78

**From:** [Patrick Thomas](#)  
**To:** ["Chow.Kevin@epamail.epa.gov"](mailto:Chow.Kevin@epamail.epa.gov)  
**Cc:** ["Stephen Wolfe"](#)  
**Subject:** RE: Nationwide Demo -- JLLP #929-8 -- PRIVILEGED COMMUNICATION  
**Date:** Monday, December 12, 2011 4:07:00 PM

---

Kevin,

Pursuant to our discussion, Stephen Wolfe completed the EPA's Final Pollution Report on November 29, 2011. As you know, we have not received the Report. Please forward at your earliest convenience. Also, you have advised that the date of the Final Pollution Report is the "date of completion of all removal actions required under the Order" for purposes of the 106(b) Petition and the Section 3.5 Final Report. Thanks.

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 79

**From:** [Patrick Thomas](#)  
**To:** "[Chow.Kevin@epamail.epa.gov](mailto:Chow.Kevin@epamail.epa.gov)"  
**Subject:** RE: Nationwide Demo -- JLLP #929-8 -- PRIVILEGED COMMUNICATION  
**Date:** Thursday, January 12, 2012 5:23:00 PM

---

Kevin,

Pursuant to our conversation this afternoon, the EPA has declined to enter into a tolling agreement with Safe Environmental with respect to the statute of limitations for Safe Environmental's filing of a 106(b) Petition for Reimbursement of Costs. You have advised, however, that the EPA considers receipt of an acceptable UAO Section 3.5 Final Report a "required action," such that the statute does not run until the EPA determines that the Section 3.5 Final Report is acceptable and therefore approved. We respectfully disagree. As I expressed to you, the sixty days commences once a Petitioner completes the required action under the UAO. One of the required actions under the UAO is the Section 3.5 Final Report, which is the latest date for any required action under the UAO, thus starting the 60-day clock. Contrary to the EPA's position, the UAO does not state that a required action is "approval" of a Respondent's Final Report, nor does the EPA's certification that cleanup is complete have similar effect. See *City of Rialto v. West Coast Loading Corp.*, 581 F.3d 865, 879 (9<sup>th</sup> Cir. 2009), which advised:

Critically, § 9606(b)(2)(A) authorizes a PRP to petition the government for reimbursement "60 days after completion of the required action" (emphasis added), not 60 days after the EPA certifies completion. The EPA's certification is not a prerequisite to bringing suit. As explained by the Seventh Circuit:

If the party ordered to clean up a contaminated site claims to have completed the work, he has a claim for reimbursement, the reimbursement provision being available to "any person who receives and complies with the terms of any" Superfund clean-up order. § 9606(b)(2)(A). If the EPA turns down the claim on the ground that the clean-up has not been completed ..., the party has a right to sue and the agency can defend by showing that the clean-up has not been completed and thus that a condition of maintaining such a suit has not been fulfilled. The district court will adjudicate this ground for dismissal....

*Employers Ins. of Wausau*, 52 F.3d at 662. As soon as [Respondent] believes that it has completed the UAO \*\*\* work, it can petition the EPA for reimbursement and, if the EPA refuses, bring an action in federal court.

As Safe Environmental submitted the Section 3.5 Final Report on December 15, 2011, the statute currently expires on February 13, 2012. Pursuant to our conversation on January 9, 2011, you advised of specific

changes that are required to Safe Environmental's Final Report. While Safe Environmental has every intention of submitting a Final Report acceptable to the EPA, Safe Environmental cannot rely on this advice and therefore cannot put the Petition on hold without a tolling agreement.

You have advised that the EPA will submit in writing to Safe Environmental that the EPA's receipt and approval of a UAO Section 3.5 Final Report constitutes a required action under the UAO. I look forward to its receipt and will discuss with my client any legal effect that it may have on the statute of limitations for filing a 106(b) Petition. In the meantime, as I indicated, we will move forward with our plans to submit the 106(b) Petition.

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 80



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

January 17, 2012

REPLY TO THE ATTENTION OF:  
C-14J

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

Re: Cleveland Trencher Site, Euclid, OH

Dear Mr. Thomas:

This letter pertains to your inquiry regarding what constitutes completion of the removal action at the Cleveland Trencher Site for purposes of the 60-day time period to file a claim for reimbursement under Section 106(b) of CERCLA, 42 U.S.C. § 9606(b). The U.S. Environmental Protection Agency, Region 5 cannot consider the removal action under the Unilateral Administrative Order ("UAO") to be complete until a Final Report is submitted to EPA as required by Section V, Paragraph 3.5 of the UAO. It is EPA's position that in this case, once a Final Report that is complete and meets the requirements of the UAO and 40 C.F.R. § 300.165 is submitted to EPA, then the 60-day time period for your client to pursue a 106(b) action begins. Any 106(b) claim filed prior to a complete and proper Final Report will be considered premature by EPA. To facilitate finalization of the Final Report, EPA requests that you submit a draft revision based upon previous comments already conveyed to you. Upon any further EPA comments on the new draft, a final version can be completed consistent with such comments. The final version can then be considered compliance with Section V, Paragraph 3.5 of the UAO and can serve as the trigger for the 60-day 106(b) filing period. EPA cannot consider a tolling agreement at this time as it does not appear that EPA has jurisdiction to agree to deviate from the 60-day period prescribed by the statute.

If you have any questions, please contact me at (312) 353-6181.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kevin Chow".

Kevin Chow  
Associate Regional Counsel

cc: Steve Wolfe (ME-W)  
Carol Ropski (SE-5J)

CERCLA 106(b) Petition

# EXHIBIT 81

**From:** [Patrick Thomas](#)  
**To:** ["Savage, John"; "jsavage@penv.net"](#)  
**Subject:** FW: Nationwide Demo -- JLLP #929-8 -- PRIVILEGED COMMUNICATION  
**Date:** Tuesday, January 17, 2012 1:21:00 PM  
**Attachments:** [MMI Detroit Final RA Completion Report.pdf](#)

---

John,

Per our conversation, please find attached the EPA sample of a Final Report. As we discussed, this is a template for appearance of the report only. Please quote me a price for Precisions preparation of such a report prior to doing any work so I can get authorization for preparation and payment. Following is the text that I submitted to the EPA. As I stated, the EPA's comments were (1) that they required more detail and (2) that they want the report to appear in the format of the template that is attached.

Text of Final Report Submitted:

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 1 [\[1\]](#), 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.

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.

Regards,

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

---

[\[1\]](#) 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.

CERCLA 106(b) Petition

# EXHIBIT 82



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

February 3, 2012

REPLY TO THE ATTENTION OF:

C-14J

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

Re: Cleveland Trencher Site, Euclid, OH

Dear Mr. Thomas:

This letter pertains to your inquiry regarding what constitutes completion of the required action at the Cleveland Trencher Site under the Unilateral Administrative Order ("UAO"). It is the U.S. Environmental Protection Agency, Region 5's position that "required action" under the UAO includes a complete Final Report under Section V, Paragraph 3.5 that meets the requirements of the UAO and 40 C.F.R. § 300.165. It is also EPA's position that pursuant to Section XII of the UAO (Notice of Completion), if EPA determines that any removal activities (including the Final Report) have not been completed in accordance with this Order based upon EPA's review of a Final Report, EPA will so notify the Respondents and provide a list of deficiencies, and will require a modified Final Report in accordance with the EPA notice. If EPA determines, after review of the modified Final Report, that all work has been fully performed in accordance with the Order (except for certain continuing obligations), EPA will provide a written Notice of Completion to the Respondents.

If you have any questions, please contact me at (312) 353-6181.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin Chow".

Kevin Chow  
Associate Regional Counsel

cc: Steve Wolfe (ME-W)  
Carol Ropski (SE-5J)

CERCLA 106(b) Petition

# EXHIBIT 83

**From:** [Patrick Thomas](#)  
**To:** ["Chow.Kevin@epamail.epa.gov"](mailto:Chow.Kevin@epamail.epa.gov)  
**Subject:** Nationwide Demo -- JLLP #929-8 -- PRIVILEGED COMMUNICATION  
**Date:** Thursday, November 10, 2011 11:51:00 AM

---

Kevin,

Thanks for taking the time to speak with me today. Pursuant to our conversation, the EPA has waived the requirements for a 30 day reporting requirements pursuant to UAO 3.4.

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 84

**AFFIDAVIT OF ANTHONY PAGANELLI**

STATE OF INDIANA                    )  
  )  
COUNTY OF LAKE                    )        SS:

Now comes Anthony Paganelli, being first duly sworn and states that the following facts are true:

1. My name is Anthony Jerome Paganelli..
2. I am of lawful age and of sound mind.
3. I reside in Highland, Lake County, Indiana 46322.
4. Safe Environmental Corporation of Indiana (“Safe Environmental”) is located at 2301 Cline Avenue, Suite 106, Schererville, Indiana 46375 and offers, among other services, asbestos abatement contracting.
5. I have worked at Safe Environmental from 1992 until the present.
6. I was President of Safe Environmental from 1999 until January 2010.
7. I am presently a Consultant and Agent for Safe Environmental.
8. In 2007, Safe Environmental maintained Asbestos Contractor Licenses in Indiana, Illinois, Minnesota, Michigan and Ohio.
9. With respect to Ohio, Safe Environmental maintained an “Asbestos Hazard Abatement Contractor License” through the State of Ohio effective from March 30, 2007 through March 30, 2008.
10. Under my direction as President, when Safe Environmental conducted work under any of its state-issued asbestos abatement contractors licenses (“License”), Safe Environmental (1) executed a written contract with the contractor or owner and (2) prepared a Department of Health Asbestos Notification Form (“Notification”) for submission to the appropriate state department of health.
11. No laborer, foreman, or abatement specialist employed by Safe Environmental has ever been given authority to use, in any capacity, a License of Safe Environmental as means of binding Safe Environmental to any abatement project.

12. No laborer, foreman, or abatement specialist employed by Safe Environmental has ever been given authority to prepare a Notification for submission to a state department of health.
13. No laborer, foreman, or abatement specialist employed by Safe Environmental has ever been given authority to obtain insurance or negotiate or execute contracts on behalf of Safe Environmental without prior written authority.
14. I know Tomas Amaya because has been a union employee who has done work for Safe Environmental as well as other companies, for approximately twelve years.
15. Mr. Amaya last did any work for Safe Environmental in approximately August of 2007.
16. It is common in the abatement business for asbestos abatement laborers to work for multiple companies and to seek individual work on their own.
17. Mr. Amaya informed me in 2007 that he was starting his own asbestos abatement company and asked me for referrals for any available small jobs.
18. I never referred any jobs to Mr. Amaya and did not recommend him to any contractor or owner for work.
19. Mr. Amaya never requested of me the use of Safe Environmental's License for any project, in Ohio or any other State.
20. I never authorized, allowed, or permitted Mr. Amaya or Asbestek Inc. permission to use Safe Environmental's License for any project, in Ohio or any other State.
21. I never authorized, allowed, or permitted Mr. Amaya or Asbestek, Inc. to file a Notification on behalf of Safe Environmental.
22. Safe Environmental has never filed a Notification without a written contract relating to the project.
23. Neither I nor Safe Environmental has ever entered into a contract, written or verbal, with Tomas Amaya or Asbestek, Inc. for any project at any time.
24. Safe Environmental never entered into a contract, written or verbal, with Nationwide Demolition, Gary Thomas, Joseph Piscazzi, or any entity related to the former Cleveland Trencher site in Euclid, OH.
25. Any use of Safe Environmental's License for asbestos abatement at the Cleveland Trencher site in Euclid Ohio was used without the authorization of me or Safe Environmental.

FURTHER AFFIANT SAYETH NAUGHT.

Anthony Paganelli  
ANTHONY PAGANELLI

SWORN TO BEFORE ME and subscribed in my presence this 15 day of SEPTEMBER 2010.



Rick Lovelace  
NOTARY PUBLIC

My Commission Expires: 9-24-13

CERCLA 106(b) Petition

# EXHIBIT 85

**AFFIDAVIT OF CARLOS BONILLA**

STATE OF INDIANA                    )  
  )  
COUNTY OF MARION                )        SS:

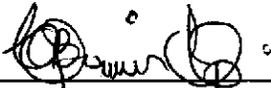
Now comes Carlos Bonilla, being first duly sworn and states that the following facts are true:

1. My name is Carlos Bonilla.
2. I am of lawful age and of sound mind.
3. I reside in Indianapolis, Marion County, Indiana 46254.
4. I am an asbestos abatement supervisor currently licensed by the States of Illinois and Indiana.
5. I have performed and supervised asbestos abatement projects in Illinois and Indiana.
6. I received my Asbestos Hazard Abatement Specialist license from the State of Ohio in March 2007 and that license was valid until March 26, 2008. I obtained this license in preparation for potential abatement supervisory work that may have become available in Ohio.
7. I have never performed asbestos abatement work in Ohio, either as a supervisor or general laborer.
8. I have worked as an asbestos abatement supervisor for projects performed by Safe Environmental Corporation of Indiana (“Safe Environmental”).
9. I know Tomas Amaya because he and I worked at similar asbestos abatement sites for Safe Environmental.
10. I know John Vadas through my work as an asbestos abatement supervisor.

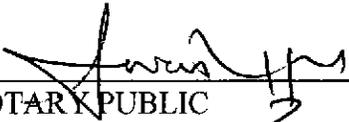
11. Tomas Amaya informed me in 2007 that he was performing asbestos abatement work in Ohio but never provided me specific details about the work.
12. I never worked for or contracted with Tomas Amaya, John Vadas or Asbestek, Inc.
13. Tomas Amaya never asked me to participate, in any form, in asbestos abatement work in Ohio.
14. Tomas Amaya never asked me for the use of my Ohio Asbestos Abatement Specialist license for any job in the State of Ohio.
15. I never agreed to provide Tomas Amaya my Ohio Asbestos Abatement Specialist license for any job in the State of Ohio.
16. Tomas Amaya never asked me for the use of my "Asbestos Supervisor Refresher" accredited certificate.
17. I never agreed to provide Tomas Amaya my "Asbestos Supervisor Refresher" accredited certificate.
18. John Vadas never asked me to participate, in any form, in asbestos abatement in Ohio.
19. John Vadas never asked me for the use of my Ohio Asbestos Abatement Specialist license for any job in the State of Ohio.
20. I never agreed to provide John Vadas my Ohio Asbestos Abatement Specialist license for any job in the State of Ohio.
21. John Vadas never asked me for the use of my "Asbestos Supervisor Refresher" accredited certificate.
22. I never agreed to provide John Vadas my "Asbestos Supervisor Refresher" accredited certificate.
23. I never authorized Tomas Amaya, John Vadas, Asbestek Inc., Mike Collins, Molly Collins or Nationwide Demolition to identify me as the Asbestos Hazard Abatement Specialist in the "Prior Notification of Asbestos Hazard Abatement Project Form" for submission to the Ohio Department of Health.
24. I have never visited the Cleveland Trencher Site in Euclid, Ohio, and have no knowledge of any abatement or demolition projects that occurred at this site.

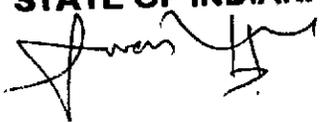
25. Any use of my Ohio Asbestos Abatement Specialist license in the State of Ohio was used without my permission.

FURTHER AFFIANT SAYETH NAUGHT.

  
\_\_\_\_\_  
CARLOS BONILLA

SWORN TO BEFORE ME and subscribed in my presence this 11 day of Sep, 2010.

  
\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires: \_\_\_\_\_  
**CopyMall Inc.**  
**NOTARY PUBLIC SEAL**  
**exp 11/30/2014**  
**STATE OF INDIANA**  


CERCLA 106(b) Petition

# EXHIBIT 86

PHONE CALL SUMMARY FOR TOMAS AMAYA

Date, 2007	Amaya works for Safe Env.	Amaya / # > 1 Paganelli min	Amaya / # > 1 Safe Env. min	Amaya / # > 1 Lovelace min	Amaya / # > 1 Vadas min	Amaya / # > 1 min	Cleveland Trencher Activity
07 29	Michigan Cty, MI	5 min 1			-	-	
07 30	Michigan Cty, MI	1 min 1		18 min 6	-	-	
08 01	Michigan Cty, MI		2 min	2 min	-	-	
08 02	Michigan Cty, MI	4 min 1	2 min 1	8 min 3	3 min 1	1	
08 03	Michigan Cty, MI		1 min 0		-	-	
08 04	Michigan Cty, MI				34 min 1	1	Affiliated Estimate for Asbestos Abatement
08 05	Michigan Cty, MI				9 min 1	1	
08 06	Michigan Cty, MI	4 min 1	11 min 3	3 min 1	13 min 2	2	
08 07	Michigan Cty, MI	4 min 1	4 min 2	2 min 1	-	-	
08 08	Mittal Steel, MI	8 min 2	4 min 2	5 min 1	11 min 2	2	
08 09	Mittal Steel, MI		2 min 0	13 min 1	26 min 2	2	
08 10	Mittal Steel, MI				28 min 1	1	
08 11	Mittal Steel, MI				-	-	
08 12	Mittal Steel, MI		1 min 1	3 min 1	37 min 6	6	
08 13	Mittal Steel, MI			10 min 3	13 min 2	2	Nationwide/Gary Thomas demolition contract
08 14	Mittal Steel, MI			7 min 2	27 min 4	4	Vadas to NW: We submitted License application to ODH
08 15	Mittal Steel, MI			9 min 3	54 min 4	4	Asbestek/Nationwide asbestos abatement contract
08 16	Mittal Steel, MI		2 min 1	32 min 4	29 min 3	3	Mr. Amaya contracts with Allied Waste for disposal
08 17	Mittal Steel, MI			21 min 5	1 min 0	0	Asbestek begins non friable abatement
08 18		3 min 0		9 min 1	16 min 2	2	
08 19		5 min 1	9 min 3	10 min 3	96 min 9	9	
08 20	Lake Forest, IL		2 min 1	7 min 2	50 min 4	4	
08 21	Lake Forest, IL				85 min 9	9	
08 22							
08 23	Lake Forest, IL	5 min 1	2 min 0	4 min 1	55 min 5	5	Vadas to NW: just learned we need License from ODH
08 24	Lake Forest, IL			7 min 1	59 min 2	2	Vadas to NW: we have an Ohio associate with a License
08 25					-	-	
08 26					-	-	
08 27	Lake Forest, IL			6 min 1	68 min 5	5	
08 28	Lake Forest, IL	4 min 1	2 min 1	1 min 0	18 min 2	2	
08 29	Lake Forest, IL	1 min 0		5 min 1	24 min 3	3	

PHONE CALL SUMMARY FOR TOMAS AMAYA

Date, 2007	Amaya works for Safe Env.	Amaya / # > 1 Paganelli min	Amaya / # > 1 Safe Env. min	Amaya / # > 1 Lovelace min	Amaya / # > 1 Vadas min	Cleveland Trencher Activity
08 30	Lake Forest, IL	11 min *	3 min 1	11 min 4 min 1	75 min 22 min 3	Vadas 1st Notification; Vadas is contact person
09 01					27 min 2	Amaya arrives for first time at Cleveland Trencher
09 02					21 min 4	
09 03					22 min 1	
09 04	Lake Forest, IL	1 min 1	5 min 1	7 min 2	55 min 5	
09 05	Lake Forest, IL				17 min 2	
09 06	Lake Forest, IL			8 min 2	33 min 2	
09 07	Lake Forest, IL	3 min 1		10 min 3	74 min 7	
09 08					39 min 4	
09 09	International, IL	3 min 1	2 min 0		4 min 1	
09 10	Lake Forest, IL	2 min 1			53 min 4	
09 11	Lake Forest, IL			6 min 1	70 min 5	
09 12					36 min 4	Vadas filed 1st revision; Vadas is contact person
09 13					79 min 8	
09 14					57 min 10	
09 15					17 min 2	
09 16					34 min 2	
09 17					5 min 1	Vadas filed 2nd revision; Vadas is contact person
09 18		* 0			4 min 1	
09 19					27 min 7	
09 20					61 min 4	Vadas filed 3rd revision; change contact to Paganelli
09 21					63 min 9	Asbestek commeces friable abatement
09 22					40 min 6	
09 23					47 min 6	
09 24					45 min 5	Abatement concluded; Nationwide demolishes
09 25		* 0		**	75 min 9	ODH makes unannounced visit
09 26		* 0			16 min 2	Violations issued; Safe notifies EPA it has no Ohio jobs

\* Denotes call made by Tomas Amaya to Anthony Paganelli wherein no live conversation took place. See Paganelli's records for these dates.

\*\* On the date of violation, ODH contacted Safe Environmental. Rick Lovelace immediately called Amaya and Vadas and told them they were not authorized to use the license and to cease further use. Amaya never made a call of his own volition after September 11, 2007 to anyone at Safe Environmental that resulted in an actual conversation. See Paganelli's and Lovelace's records.

PHONE CALL SUMMARY FOR TOMAS AMAYA

Date, 2007	Amaya works for Safe Env.	Amaya / # > 1 Paganelli min	Amaya / # > 1 Safe Env. min	Amaya / # > 1 Lovelace min	Amaya / # > 1 Vadas min	Amaya / # > 1 min	Cleveland Trencher Activity
09 27					17 min	2	
09 28					5 min	1	
09 29					-	-	
09 30					15 min	1	
10 01					32 min	3	
10 02					14 min	1	
10 03					-	-	
10 04					-	-	
10 05					4 min	0	
10 06					10 min	1	
10 07					-	-	
10 08					-	-	
10 09					15 min	1	
10 10					1 min	0	
10 11					-	-	
10 12					1 min	0	
10 13					39 min	1	
10 14					-	-	
10 15					25 min	3	
10 16					59 min	3	
10 17					22 min	1	Vadas denies ever having legal ties to Asbestek
10 18					-	-	
10 19					2 min	1	
10 20					6 min	2	
10 21					-	-	
10 22					-	-	CDAO issues violations against Amaya and Vadas
10 23					14 min	1	
10 24					-	-	
10 25					8 min	1	
10 26					1 min	1	
10 27					-	-	
10 28					-	-	
10 29					26 min	1	

PHONE CALL SUMMARY FOR TOMAS AMAYA

Date,	Amaya works for	Amaya / # > 1	Cleveland Trencher Activity			
2007	Safe Env.	Paganelli min	Safe Env. min	Lovelace min	Vadas min	
10 30					29 min	
10 31					-	

On 11/9/10, Vadas writes he was not involved at Site  
 On 11/15/10, Vadas tells Amaya he is not responsible

CERCLA 106(b) Petition

# EXHIBIT 87

Contact Us Log  
Out

Revenue Receipt    A/R Management    Federal Draw    Medicaid/Insurance    Administration

Home  
Funding Code  
Revenue Receipt  
Close Revenue  
Batch  
Reporting

Current Mode: Edit    Revenue Receipt Entry

Batch Number: 08 - 0417    Receipt Option: REV Other

Receipt Number: 00807547    Date Payment Received: 09/04/07

Customer Number:    Tracking Number:

Customer Name: THOMAS GARY

Payment Option: Money Order

Name: SAFE ENVIRONMENT COR    Date: 08/31/07

Number: 97901223    Amount: 65.00

Check if NSF

Comment:    Total Funding Amount: \$65.00

Funding Description	*Revenue Code	*Funding Amount	*Invoice Number
ASBESTOS PRIOR NOTIFICATIONS	8-2411	65.00	

NSF?: N (Y/N)

Liability?: N (Y/N)

DOC Number: 08-0417

Date Liability Clear:

Date of Deposit: 9/6/2007

Method Used To Clear:

Date Applied To A/R:

Cancel

First Previous Next Last

Record 2 of 2

Entered: Wendy Lewis 9/5/2007 12:40:18 PM Updated:



CERCLA 106(b) Petition

# EXHIBIT 88

**AFFIDAVIT OF ANTHONY PAGANELLI**

STATE OF INDIANA                    )  
  )  
COUNTY OF LAKE                    )        SS:

Now comes Anthony Paganelli, being first duly sworn and states that the following facts are true:

1. My name is Anthony Jerome Paganelli..
2. I am of lawful age and of sound mind.
3. I reside in Highland, Lake County, Indiana 46322.
4. Safe Environmental Corporation of Indiana (“Safe Environmental”) is located at 10030 Express Dr., Suite A&B, Highland, IN 46322 and offers, among other services, asbestos abatement contracting.
5. I have worked at Safe Environmental from 1992 until the present.
6. I was President of Safe Environmental from 1999 until January 2010.
7. I am presently a Consultant and Agent for Safe Environmental.
8. In 2007, a Harris Bank check in the amount of sixty-five dollars was presented to the Ohio Department of Health identifying the remitter as “Safe Environment [sic] Corp.” attached as Exhibit A.
9. Safe Environmental did not request, obtain, authorize or remit Exhibit A.
10. The person who caused Exhibit A to be obtained was not authorized to do so by Safe Environmental.
11. Safe Environmental has never submitted a bank check, from Harris Bank or any other bank, to any state agency for an application to perform abatement projects.
12. All fees to state agencies are paid by Safe Environmental Company check, without exception.

13. Safe Environmental has records of all prior Safe Environmental Company checks that have been tendered to state agencies.

FURTHER AFFIANT SAYETH NAUGHT.

*Anthony Paganelli*  
ANTHONY PAGANELLI

SWORN TO BEFORE ME and subscribed in my presence this 17<sup>th</sup> day of Jan., 2012.

*Lydia Ybarra*  
NOTARY PUBLIC

My Commission Expires: 11-7-18



CERCLA 106(b) Petition

# EXHIBIT 89

<b>a</b> Employee's SSN 594-37-4736		<b>b</b> Employer identification number (EIN) 20-0750166		OMB No. 1545-0008		
<b>c</b> Employer's name, address, and ZIP code SAFE ENVIRONMENTAL CORPORATION OF I SAFE ENVIRONMENTAL CORPORATION 2301 CLINE AVE, SUITE 106 SCHERERVILLE IN 46375		This information is being furnished to the IRS. If you are required to file a tax return, a negligence penalty or other sanction may be imposed on you if this income is taxable and you fail to report it.				
<b>d</b> Control No.		<b>1</b> Wgs. tips, other comp	<b>2</b> Fed inc tax withheld	<b>3</b> Social security wages	<b>Form W-2</b> <b>Wage and Tax Statement</b> <b>2007</b> <b>Copy C For EMPLOYEES RECORDS. (See Notice to Employee.)</b> <b>20</b> Locality name	
<b>e</b> Employee's name, address, and ZIP code TOMAS AMAYA P.O. BOX 2046 HAMMOND IN 46323		<b>4</b> SS tax withheld 47398.02	<b>5</b> Medicare wages & tips 47398.02	<b>6</b> Medicare tax withheld 687.27		
		<b>7</b> Social security tips 2938.68	<b>8</b> Allocated tips	<b>9</b> Advance EIC payment		
		<b>10</b> Depnt care benefits	<b>11</b> Nonqualified plans	<b>12a</b>		
		<b>13</b> Statutory employee <input type="checkbox"/>	<b>14</b> Other	<b>12b</b>		
		Retirement plan <input type="checkbox"/>		<b>12c</b>		
		Third-party sick pay <input type="checkbox"/>		<b>12d</b>		
<b>15</b> State IL	Employer's state ID No. 99-9999999 999	<b>16</b> State wages, tips, etc 47398.02	<b>17</b> State income tax 1220.05	<b>18</b> Local wages, tips, etc		<b>19</b> Local income tax

**Review Paycheck**

**Amaya, Tomas**

Pay Period 07/29/2007 - 08/04/2007  
 Use Direct Deposit

Item Name	Rate	Hours	WCC Code	Customer Job	Service Item	Sick Available	Vacation Avail.	Sick Accrued	Vac. Accrued
Supervisor - IN5606	34.15	56.00		SE07072 - Office D...	Demolition/I...	0:00	0:00		

Other Payroll Items  
 Totals: 1,912.40 56.00 hrs

Item Name	Rate	Quantity	Item Name	Amount	YTD
Union Dues	-2.75%	56.00	Supervisor - IN5606	1,912.40	4,774.40
Labors' Pension & Wel...	13.87	56.00	Union Dues	-52.59	-579.59
Labors' Work Dues	0.29	56.00	Federal Withholding	-320.00	-5,452.00
			Social Security Employee	-118.57	-2,476.58
			Medicare Employee	-27.73	-579.20
			IL - Withholding	-51.60	-1,031.08

Item Name	Amount	YTD
Labors' Pension & Welfare	776.72	9,866.53
Labors' Work Dues	16.24	220.11
Social Security Company	118.57	2,476.58
Medicare Company	27.73	579.20
Federal Unemployment	0.00	56.00

Company Summary  
 How are these items calculated?  
 Check Amount: 1,341.91

OK Cancel Help  
 Lock Net Pay  Unlock Net Pay  Enter net/Calculate gross

**WEEKLY TIMESHEET**

JOB NAME: MICHIGAN CITY

WEEK ENDING: 08-09-07

JOB NUMBER: 820707 STATE IN

SUPERVISOR: Tomás Amayo

NAME	SUN	MON	TUES	WED	THUR	FRI	SAT	TOTAL	ACM 5472	NON ACM 5610	SUPERVISOR 5606	REGULAR HOURS	OVERTIME	DOUBLETIME	RATE	UNION
Tomás Amayo	8	8	8	8	8	8	8	56		56	56	40			34.15	
Rodolfo Reballer	8	8	16	8				40		40		40				
Rodolfo D. Reballer	8	8	16	8				40		40		40				
Margarita Hernandez	8	8	16					32		32		32				
Ovidio Lopez	8		8	8	8	8	8	48		48		48				
Renaldo Briones		8		8	8	8	8	40		40		40				
Morvin Meza						8	8	16		16		16				
Clemente Alvarez		8		8	8	8	8	40		40		40				
Elnor Cardero					8		8	16		16		16				
Marlon Cardero				8			8	16		16		16				
TOTALS	40	48	64	48	48	40	48	336								
				TOTAL MANDAYS												
										MANDAYS TO DATE						

**Review Paycheck**

**Amaya, Tomas**

Pay Period: 08/05/2007 - 08/11/2007  
 Use Direct Deposit

Item Name	Rate	Hours	W/C Code	Customer: Job	Service Item	Sick Available	Vacation Avail.
Supervisor - INS606	34.15	16.00		SE07072 - Office D...	Demolition: In...	0:00	0:00
Supervisor - 1L5606	34.15	26:00		SE07063 - Mikal Steel	Demolition: Inve...		

Totals: 1,434.30 42:00 hrs

Item Name	Rate	Quantity	Employee Summary	Amount	YTD
Union Dues	-2.75%	42.00	Supervisor - INS606	546.40	5,320.80
Labors' Pension & Wel...	13.87	42.00	Supervisor - 1L5606	897.90	34,020.70
Labors' Work Dues	0.29	42.00	Union Dues	-39.44	-719.03
			Federal Withholding	-198.00	-5,650.00
			Social Security Employee	-88.92	-2,565.50
			Medicare Employee	-20.80	-600.00
			IL - Withholding	-37.26	-1,068.34

Item Name	Amount	YTD	Check Amount:
Labors' Pension & Welfare	582.54	10,449.07	
Labors' Work Dues	12.18	232.29	
Social Security Company	88.92	2,565.50	
Medicare Company	20.80	600.00	
Federal Unemployment	0.00	56.00	1,049.88

OK Cancel Help  
 Lock Net Pay  Unlock Net Pay  Enter net/Calculate gross

Save & Close Revert

**WEEKLY TIMESHEET**

JOB NAME:

Michigan City

JOB NUMBER: SED7072 STATE TN

WEEK ENDING:

08-11-07

SUPERVISOR: Tomás Amaya

NAME	SUN	MON	TUES	WED	THUR	FRI	SAT	TOTAL	ACM 3472	NON ACM 3610	SUPERVISOR 5606	REGULAR HOURS	OVERTIME	DOUBLETIME	RATE	UNION
<u>Tomás Amaya</u>	/	8	8	/	/	/	/	16	/	16	16	16	/	/		
<u>Reinaldo Briones</u>	/	8	/	/	/	/	/	8	/	8	/	8	/	/		
<u>Arturo Meza</u>	/	8	/	/	8	7	/	8	/	8	/	8	/	/		
<u>Quidio Lopez</u>	/	8	8	8	8	7	/	39	/	39	/	39	/	/		
<u>Narbon Cardero</u>	/	8	8	8	8	7	/	39	/	39	/	39	/	/		
<u>Clemente Alvarez</u>	/	8	8	8	/	/	/	24	/	24	/	24	/	/		
<u>Elmer Cardero</u>	/	/	/	/	8	7	/	15	/	15	/	15	/	/		
TOTALS	4	8	32	24	29	21	/	149	/	149	16	149	/	/		
					TOTAL MANDAYS				MANDAYS TO DATE							

**WEEKLY TIMESHEET**

**JOB NAME:**

#3 AC Station Metal Steel JOB NUMBER: 5602063 STATE TN

**WEEK ENDING:**

08-11-09

**SUPERVISOR:** Tomas Amaya

NAME	SUN	MON	TUES	WED	THUR	FRI	SAT	TOTAL		SUPERVISOR 5606	REGULAR HOURS	OVERTIME	DOUBLETIME	RATE	UNION
								ACM 5472	NON ACM 5610						
Tomas Amaya	/	/	/	8	8	8	/	24	24	24	24	/	/	/	/
Carlos Bonilla	/	/	/	8	8	8	/	24	24	24	24	/	/	/	/
Pedro Navares	/	/	/	8	8	8	/	24	24	24	24	/	/	/	/
Taylor Rodriguez	/	/	/	8	8	8	/	24	24	24	24	/	/	/	/
David Villareal	/	/	/	4	/	/	/	4	(24)	24	24	/	/	/	/
Rudis Rivas	/	/	/	8	8	8	/	24	24	24	24	/	/	/	/
Miguel Melendez	/	/	/	8	8	8	/	24	24	24	24	/	/	/	/
TOTALS				52	48	48	/	52	48	48	48	/	/	/	/
				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 - IL5606	34.15	40:00		SEC7063 - Mical Steel		0:00	0:00		

**Other Payroll Items**

Item Name	Rate	Quantity
Union Dues	-2.75%	40.00
Laborers' Pension & Wel...	13.87	40.00
Laborers' Work Dues	0.29	40.00

**Employee Summary**

Item Name	Amount	YTD
Supervisor - IL5606	1,366.00	35,386.70
Union Dues	-37.57	-756.60
Federal Withholding	-180.00	-5,830.00
Social Security Employee	-84.69	-2,650.19
Medicare Employee	-19.80	-619.80
IL - Withholding	-35.21	-1,103.55

Company Summary

Item Name	Amount	YTD
Laborers' Pension & Welfare	554.80	11,003.87
Laborers' Work Dues	11.60	243.89
Social Security Company	84.69	2,650.19
Medicare Company	19.80	619.80
Federal Unemployment	0.00	56.00

Check Amount: 1,008.73

OK Cancel Help

Lock Net Pay Unlock Net Pay Enter net/Calculate gross

Save & Close Revert

**WEEKLY TIMESHEET**

**JOB NAME: #3 AC Mittal Steel**

**JOB NUMBER: SE 07063 STATE 1N**

**WEEK ENDING: 18-07**

**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	8	8	8		40		40	✓					
Carlos Donvilla ✓		8	8	8	8	8		40		40						
Daniel Montor ✓		8	8	8	8	8		40								
Rudis A. Rivas ✓		8	8	8	8	8		40								
Pedro NEVARA ✓		8	8	8	8	8		40								
Reynaldo BROWN ✓		8	8	8	8	8		32								
Juan OLIVERA ✓		8	8	8	8	8		32								
Francisco CORNEJO ✓		8	8	8	8	8		32								
David Villareal ✓		8	8	8	8	8		40								
Javier L. Rodriguez ✓		8	8	8	8	8		40								
Miguel Melendez ✓		8	8	8	8	8		40								
TOTALS		44	88	88	88	88		416								
TOTAL MANDAYS								416	MANDAYS TO DATE							

**Review Paycheck**

**Amaya, Tomas**

Pay Period: 08/19/2007 - 08/25/2007

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	2.00		Supervisor - Barat Col...	Demolition/...	0:00	0:00		
Supervisor IL 5606 Time & 1/2	51.23	2.00		Supervisor IL 5606 Time & 1/2	Demolition/...				

Totals: 1,195.26 34:00 hrs

Other Payroll Items

Item Name	Rate	Quantity
Union Dues	-2.75%	34.00
Labors' Pension & Wel.	13.87	34.00
Labors' Work Dues	0.29	34.00

Employee Summary

Item Name	Amount	YTD
Supervisor - IL5606	1,092.80	36,479.50
Supervisor IL 5606 Time & 1/2	102.46	493.02
Union Dues	-32.87	-789.47
Federal Withholding	-138.00	-5,968.00
Social Security Employee	-74.11	-2,724.30
Medicare Employee	-17.33	-637.13
IL - Withholding	-39.09	-1,133.64

Company Summary

Item Name	Amount	YTD
Labors' Pension & Welfare	471.58	11,475.45
Labors' Work Dues	9.86	253.75
Social Security Company	74.11	2,724.30
Medicare Company	17.33	637.13
Federal Unemployment	0.00	56.00

Check Amount: 902.86

OK Cancel Help

Lock Net Pay  Unlock Net Pay  Enter net/calculate gross

Save & Close Revert

