



Mike DeWine, Governor
Jon Husted, Lt. Governor
Laurie A. Stevenson, Director

October 30, 2019

Lordstown Construction
Recovery, LLC
6205 Palmyra Road SW
Warren, OH 44481

**Re: Lordstown Construction Recovery
Director's Final Findings and Orders (DFFO)
DFFO
Construction & Demolition Debris
Trumbull County
CDDL018743**

Aggregate Industries
Management, Inc.
aka The Standard Slag Co.
8700 W. Bryn Mawr Ave
North Tower Suite 300
Chicago, IL 60631

Subject: Final Findings and Orders of the Director

Dear Sir or Madam:

Transmitted herewith are the Final Findings and Orders of the Director concerning the matter indicated for Lordstown Construction Recovery, LLC.

If you have any questions, please contact Troy Harter at (614) 644-3037.

Sincerely,

A handwritten signature in black ink that reads "Greg Nichols". The signature is written in a cursive, somewhat stylized script.

Greg Nichols, Administrative Processing Unit
Division of Materials & Waste Management

Enclosure

ec: Carl Mussenden, DMWM, CO
Bruce McCoy, DMWM, CO
Kelly Jeter, DMWM, CO
Clarissa Gereby, DMWM, NEDO
Lynn Sowers, DMWM, NEDO
Troy Harter, DMWM, Legal
Teri Finfrock, DMWM, Legal

**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

In the Matter of:

Lordstown Construction Recovery, LLC	:	
6205 Palmyra Rd. SW	:	<u>Director's Final Findings</u>
Warren, Ohio 44481	:	<u>and Orders</u>
	:	
	:	
Aggregate Industries Management Inc.	:	
aka The Standard Slag Co.	:	
8700 W. Bryn Mawr Ave	:	
North Tower Suite 300	:	
Chicago, Illinois, 60631	:	

Respondents

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") and attachments fully incorporated herein are issued to Lordstown Construction Recovery, LLC, and Aggregate Industries Management Inc. aka The Standard Slag Co. ("Collectively Respondents or LCR") pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Section 3714.12 of the Ohio Revised Code ("ORC"), and the rules promulgated thereunder.

II. PARTIES BOUND

These Orders shall apply to and be binding upon Respondents and their successors in interest liable under Ohio law. No change in ownership of Respondents, the Property or of the Facility (as hereinafter defined) shall in any way alter Respondents' obligations under these Orders.

III. DEFINITIONS

Unless otherwise stated, all terms used in these Orders shall have the same meaning as defined in ORC Chapter 3714. and the rules promulgated thereunder.

IV. FINDINGS

All of the findings necessary for the issuance of these Orders pursuant to ORC Section

3714.12 have been made and are outlined below. Nothing in the findings shall be considered to be an admission by Respondents of any matter of law or fact. The Director of Ohio EPA has determined the following findings:

1. Lordstown Construction Recovery, LLC operates a "construction and demolition debris facility" as that term is defined in OAC Rule 3745-400-01(C)(3) located at 6205 Newton Falls Bailey Rd. SW, Warren, Trumbull County, Ohio 44481 (the "Facility").
2. Lordstown Construction Recovery, LLC ("Respondent Lordstown Construction") is the 2018 license "applicant" and the "operator" of the Facility as those terms are defined in OAC Rule 3745-400-01(A)(1) and 3745-400-01(C)(6), and is also the current license holder for the Facility.
3. Aggregate Industries Management Inc. aka The Standard Slag Co. ("Respondent AIM") is the owner of the property located at 6205 Newton Falls Bailey Rd. SW, Warren, Trumbull County, Ohio 44481, and is the "owner" as that term is defined in OAC Rule 3745-400-01(P)(2).
4. Respondent Lordstown Construction and Respondent AIM are each a "person" as that term is defined by ORC Section 3714.01(H) and OAC Rule 3745-400-01(P)(1).
5. The Trumbull County Health District ("Health Department") is the "licensing authority," as that term is defined in OAC Rule 3745-400-01(L)(3), which is on the Director's approved list in accordance with ORC Section 3714.09.
6. On September 5, 2002 the Trumbull County Health District issued the "Initial license," as that term is defined by OAC Rule 3745-400-01(I)(2), for the Lordstown Construction Recovery construction and demolition debris facility ("the Facility").
7. The Facility is a currently licensed "construction and demolition debris facility" as that term is defined by OAC Rule 3745-400-01(C)(3) and is authorized to accept "construction and demolition debris" as that term is defined by ORC Section 3714.01(C) and OAC Rule 3745-400-01(C)(2).
8. Phases I-IV of the Facility do not meet all of the design construction specifications and performance standards required by OAC Rule 3745-400-07.
9. OAC Rule 3745-400-11(B)(16)¹ states, "...The owner or operator shall not cause or allow operations to create a nuisance or health hazard from noise, dust, odors, and the attraction and/or breeding of birds, insects, rodents, and other vectors."

1. Effective July 1, 2018. Prior to this date, the citation for this rule was OAC Rule 3745-400-11(B)(15)

10. On November 23, 2016 Ohio EPA issued Director's Final Findings and Orders (2016 DFFOs) to Respondent to address violations of Ohio's environmental statutes and rules.
11. Order Number 16 of the 2016 DFFOs states: "in no event shall hydrogen sulfide concentrations exceed 20 ppb beyond the Facility. Any such exceedance shall be viewed as a new violation."
12. As of the effective date of these Odor Abatement Orders, Respondent's obligations under the 2016 DFFOs have not terminated.
13. Ohio EPA has positioned a stationary Jerome J605 Hydrogen Sulfide Analyzer near the Facility to measure concentrations of hydrogen sulfide in the air at ten-minute increments. The monitor is located off the landfill property and on a private residential property located north of the Facility. A Jerome J605 Hydrogen Sulfide Analyzer is a sensing device manufactured by Arizona Instruments, LLC that is used to monitor and quantify Hydrogen Sulfide in the air. A Jerome J605 Hydrogen Sulfide Analyzer is capable of detecting Hydrogen Sulfide concentrations from 3 parts per billion (ppb) to 10 parts per million (ppm).
14. On January 3, 2017, the stationary Jerome J605 Hydrogen Sulfide Analyzer recorded fourteen (14) measurements of Hydrogen Sulfide exceeding 20 ppb, with a range from 26.49 ppb to 148 ppb.
15. Five (5) odor complaints were received by Ohio EPA on January 3, 2017.
16. Based on Findings 16 and 17, the Respondents were in violation of OAC Rule 3745-400-11(B)(15). These violations were documented in a Notice of Violation (NOV) letter from Ohio EPA to Respondents dated January 27, 2017.
17. Between January 9, 2017, and February 14, 2017, the stationary Jerome J605 Hydrogen Sulfide Analyzer recorded twenty-seven (27) measurements of Hydrogen Sulfide exceeding 20 ppb, with a range from 20.49 ppb to 111.11 ppb.
18. Eight (8) odor complaints were received by Ohio EPA from January 9, 2017, to February 14, 2017.
19. Based on Findings 19 and 20, the Respondents were in violation of OAC Rule 3745-400-11(B)(15). These violations were documented in an NOV letter from Ohio EPA to Respondents dated February 23, 2017.
20. Between February 14, 2017, and March 1, 2017, the stationary Jerome J605 Hydrogen Sulfide Analyzer recorded thirty-one (31) measurements of Hydrogen Sulfide exceeding 20 ppb, with a range from 20.21 ppb to 76.57 ppb.
21. Six (6) odor complaints were received by Ohio EPA from February 14, 2017, to

March 1, 2017.

22. Based on Findings 22 and 23, the Respondents were in violation of OAC Rule 3745-400-11(B)(15). These violations were documented in an NOV letter from Ohio EPA to Respondents dated March 3, 2017.
23. Between October 29, 2017, and November 29, 2017, the stationary Jerome J605 Hydrogen Sulfide Analyzer recorded fifty-three (53) measurements of Hydrogen Sulfide exceeding 20 ppb, with a range from 20.38 ppb to 159 ppb.
24. Sixteen (16) odor complaints were received by Ohio EPA from October 29, 2017, and November 29, 2017.
25. Based on Findings 25 and 26, the Respondents were in violation of OAC Rule 3745-400-11(B)(15). These violations were documented in an NOV letter from Ohio EPA to Respondents dated December 4, 2017.
26. Between February 22, 2018, and March 1, 2018, the stationary Jerome J605 Hydrogen Sulfide Analyzer recorded thirty-two (32) measurements of Hydrogen Sulfide exceeding 20 ppb, with a range from 20.47 ppb to 81.90 ppb.
27. Two (2) odor complaints were received by Ohio EPA from February 22, 2018, and March 1, 2018.
28. Based on Findings 28 and 29, the Respondents were in violation of OAC Rule 3745-400-11(B)(15). These violations were documented in an NOV letter from Ohio EPA to Respondents dated March 5, 2018.
29. Between March 10, 2018, and April 12, 2018, the stationary Jerome J605 Hydrogen Sulfide Analyzer recorded thirty-five (35) measurements of Hydrogen Sulfide exceeding 20 ppb, with a range from 20.20 ppb to 77.73 ppb.
30. Twelve (12) odor complaints were received by Ohio EPA from March 10, 2018, and April 12, 2018.
31. Based on Findings 31 and 32, the Respondents were in violation of OAC Rule 3745-400-11(B)(15). These violations were documented in an NOV letter from Ohio EPA to Respondents dated April 13, 2018.
32. Between April 26, 2018, and May 3, 2018, the stationary Jerome J605 Hydrogen Sulfide Analyzer recorded fifty-three (53) measurements of Hydrogen Sulfide exceeding 20 ppb, with a range from 20.08 ppb to 131 ppb.
33. Nine (9) odor complaints were received by Ohio EPA from April 26, 2018, and May 3, 2018.

34. Based on Findings 34 and 35, the Respondents were in violation of OAC Rule 3745-400-11(B)(15). These violations were documented in an NOV letter from Ohio EPA to Respondents dated May 10, 2018.
35. During the six-week time period between July 12, 2018, to August 16, 2018 there no measured hydrogen sulfide concentrations above 20ppb.
36. During the six-week time period between July 12, 2018, to August 16, 2018, there were no odor complaints received by Ohio EPA.
37. Based on Findings 37 and 38, a Resolution of Violation letter from Ohio EPA to Respondents, dated August 28, 2018, stated that the Respondents had "resolved all violations outlined resolved all violations outlined in the December 4, 2017, March 5, 2018, April 13, 2018, and May 10, 2018, NOV letters".
38. Between August 16, 2018, and August 23, 2018, the stationary Jerome J605 Hydrogen Sulfide Analyzer recorded thirteen (13) measurements of Hydrogen Sulfide exceeding 20 ppb, with a range from 20.01 ppb to 77.89 ppb.
39. Two (2) odor complaints were received by Ohio EPA from August 16, 2018, and August 23, 2018.
40. Based on Findings 40 and 41, the Respondents were in violation of OAC Rule 3745-400-11(B)(16). These violations were documented in an NOV letter from Ohio EPA to Respondents dated August 31, 2018.
41. Between September 25, 2018, and October 11, 2018, the stationary Jerome J605 Hydrogen Sulfide Analyzer recorded thirty-four (34) measurements of Hydrogen Sulfide exceeding 20 ppb, with a range from 20.36 ppb to 73.60 ppb.
42. Thirteen (13) odor complaints were received by Ohio EPA from September 25, 2018, and October 11, 2018.
43. Based on Findings 43 and 44, the Respondents are in violation of OAC Rule 3745-400-11(B)(16). These violations are documented in an NOV letter from Ohio EPA to Respondents dated October 16, 2018.
44. Between October 11, 2018, and November 21, 2018, the stationary Jerome J605 Hydrogen Sulfide Analyzer recorded ninety-seven (97) measurements of Hydrogen Sulfide exceeding 20 ppb, with a range from 20.12 ppb to 179 ppb.
45. Twelve (12) odor complaints were received by Ohio EPA from October 11, 2018, to November 21, 2018.

46. Based on Findings 46 and 47, the Respondents are in violation of OAC Rule 3745-400-11(B)(16). These violations are documented in an NOV letter from Ohio EPA to Respondents dated November 23, 2018
47. Between November 22, 2018, and December 27, 2018, the stationary Jerome J605 Hydrogen Sulfide Analyzer recorded forty-two (42) measurements of Hydrogen Sulfide exceeding 20 ppb, with a range from 20.06 ppb to 75.51 ppb.
48. Twelve (12) odor complaints were received by Ohio EPA from November 22, 2018, to December 27, 2018.
49. Based on Findings 49 and 50, the Respondents are in violation of OAC Rule 3745-400-11(B)(16). These violations are documented in an NOV letter from Ohio EPA to Respondents dated January 8, 2019.
50. Between January 10, 2019, and February 8, 2019, the stationary Jerome J605 Hydrogen Sulfide Analyzer recorded fifteen (15) measurements of Hydrogen Sulfide exceeding 20 ppb, with a range from 24.22 ppb to 131 ppb.
51. Ten (10) odor complaints were received by Ohio EPA from January 10, 2019, to February 8, 2019.
52. Based on Findings 52 and 53, the Respondents are in violation of OAC Rule 3745-400-11(B)(16). These violations are documented in an NOV letter from Ohio EPA to Respondents dated February 14, 2019.
53. On March 14, 2019, during a monthly meeting between Respondents and Ohio EPA, Respondents reported that one area in the northwest slope of Phase 9B was over-height of final grades. Test pits were dug to investigate the over-height, and it was determined that approximately 22,000 cubic yards of material was overfilled.
54. Based on Finding 55, the Respondents are in violation of OAC Rule 3745-400-11(B)(1). This violation was documented in an NOV letter from Ohio EPA to Respondents dated May 10, 2019.
55. Between March 19, 2019, and April 11, 2019, the stationary Jerome J605 Hydrogen Sulfide Analyzer recorded thirty-five (35) measurements of Hydrogen Sulfide exceeding 20 ppb, with a range from 20.25 ppb to 87.94 ppb.
56. Three (3) odor complaints were received by Ohio EPA from March 2, 2019, to April 8, 2019.
57. Based on findings 57 and 58, the Respondents are in violation of OAC Rule 3745-400-11 (B)(16). The violations were documented in an NOV letter from Ohio EPA to Respondents dated April 16, 2019.

58. On April 11, 2019, Respondent installed eight (8) gas probes (locations and design specifications presented in Attachment B) for the purpose of characterizing the nature of the gas within the Facility. The first characterization samples were collected on May 8, 2019.
59. Between May 11, 2019, and July 10, 2019, the stationary Jerome J605 Hydrogen Sulfide Analyzer recorded sixty-seven (67) measurements of Hydrogen Sulfide exceeding 20 ppb, with a range from 20.19 ppb to 117.45 ppb.
60. Based on Finding 61, the Respondents are in violation of OAC Rule 3745-400-11(B)(16). These violations are documented in an NOV letter from Ohio EPA to Respondents dated July 18, 2019.
61. In a meeting on March 14, 2019, Respondent notified Ohio EPA that an odor neutralizing system would be installed along 1,800 feet of the northern Facility perimeter. The system is scheduled to be operational in October 2019.
62. On August 26, 2019, during a monthly meeting between Respondents and Ohio EPA, Respondents reported that two areas in the southern slope of Phase 5 were over-height of final grades. Test pits were dug to investigate the over-height, and it was determined that approximately 6,000 cubic yards of material was overfilled total. Based on this information, Respondents are in violation of OAC Rule 3745-400-11(B)(1).
63. Respondent has applied over 250,000 tons of cover soil to the Facility since 2018 to address areas of erosion along the slopes and temporary cover and corresponding elevation of gas levels.
64. Respondent has applied over 5,500 gallons of Organisol to the surface of the Facility since 2017 to control odors from the Facility.

V. ORDERS

Respondents shall achieve compliance with Chapters 3714. of the Ohio Revised Code and the rules promulgated thereunder, according to the compliance schedule provided in the following Orders. These Orders do not supersede the 2016 DFFOs.

1. Upon the effective date of these Orders, Respondents shall cease disposal of C&DD in Phases 1 through 4, unless C&DD is needed to achieve the minimum required slope of three per cent for appropriate grading and final capping, or unless otherwise authorized by the Director in writing.
2. Not later than sixty (60) days after the effective date of these Orders, Respondent shall add the accurate measurement of barometric pressure to the current collection of temperature, wind speed, and wind direction on a continuous basis from the existing meteorological (MET) stations at the Facility; record wind

direction in one degree increments; record measurements at least every 10 minutes; and generate hourly average data for all parameters; and be equipped with a device capable of recording all data from each reading. LCR will provide access to the Facility's MET station data, including the barometric pressure, to Ohio EPA in real time.

3. By no later than December 1, 2019, Respondents shall complete the installation of approximately fifteen (15) acres of final cap on Phases 1-4 and 9B (as specified in Attachment A – Respondent provided map), utilizing one of the following cap systems:
 - a. a standard cap system in accordance with OAC Rule 3745-400-07(G)(2)(a) or,
 - b. a composite cap system consisting of (from bottom to top): compacted soil subgrade over waste material to ensure that no waste material protrudes, geocomposite gas collection layer, geomembrane, geocomposite drainage layer, eighteen (18) inches of protective/vegetative soil cover or,
 - c. an engineered turf system (Agru "ClosureTurf" or equal) consisting of (from bottom to top): compacted soil subgrade over waste material, structured geomembrane, engineered synthetic turf, specified infill layer.
4. By no later than October 15, 2020, Respondent shall complete the installation of final cap covering the entire surface of Phases 1-4 and 9B utilizing one of the cap systems identified above.
5. Respondent shall maintain the gas probes referenced in Finding No. 60 for the purpose of characterizing the nature of the gas within the Facility until probe abandonment is required due to landfill capping.
6. By no later than October 31, 2019, Respondent shall complete six months of monthly gas characterization (Respondent specify sampling device and sampling methodology) from the probes referenced in Finding No. 60. Respondent shall assess the overall gas quality including but not limited to: heat content, permanent gas concentrations, total reduced sulfur concentrations, gas pressure and temperature, and potential gas yield. Respondent shall submit monthly reports.
7. By not later than December 31, 2019, Respondents shall submit a Phase I Gas Control System Plan (Plan) which shall include:
 - a. Designs and specifications for the installation and operation of a landfill gas management system. (If a passive landfill gas management system is proposed, the design shall include specifications on conversion to an active system if future H₂S emissions warrant such an upgrade).

- b. A proposed construction schedule for all options in the Plan starting no later than April 1, 2020 and completion by no later than July 1, 2020.
8. Respondents shall update the financial assurance for closure and post-closure care costs associated with performing activities associated with operating and maintaining the landfill gas management system required by Order 7. The financial assurance cost estimate shall be recalculated for each renewal of the annual license application and each application for a facility modification.
9. In order to resolve the overfill violations in referenced in Findings 54 and 62, Respondents shall submit a 2020 landfill license application with a revised Facility Design Plan which reflects the actual elevations from the overfilled area in Phases 5 and 9B.

VI. REVIEW OF SUBMITTALS

Ohio EPA may review any work plan, report, or other item required to be submitted pursuant to these Orders in accordance with this Section. Upon review, Ohio EPA may in its sole discretion: (a) approve the submission in whole or in part; (b) approve the submission upon specified conditions; (c) modify the submission; (d) disapprove the submission in whole or in part, notifying Respondents of deficiencies; or (e) any combination of the above. The results of Ohio EPA's review shall be in writing and provided to the Respondents.

In the event of approval as is, approval upon condition, or approval as modified of any submission by the Ohio EPA, Respondents shall proceed to take any action required by the submission as approved, conditionally approved, or approved as modified by Ohio EPA.

In the event that Ohio EPA initially disapproves a submission, in whole or in part, and notifies Respondents in writing of the deficiencies, Respondents shall within 14 days, or such longer period of time as specified by Ohio EPA in writing, correct the deficiencies and submit the revised submission to Ohio EPA for approval. The revised submission shall incorporate all of the changes, additions, and/or deletions specified by Ohio EPA in its notice of disapproval. Revised submissions shall be accompanied by a letter indicating how and where each of Ohio EPA's comments were incorporated into the submission. Any other changes made to the submission by Respondents shall also be identified in the letter.

If Respondents fail to submit a revised submission incorporating all changes, additions, and/or deletions within 14 days, or such period of time as specified by Ohio EPA in writing, Respondents shall be considered in breach and/or violation of these Orders. If Respondents are in breach and/or violation of these Orders, Ohio EPA retains the right to terminate these Orders, perform any additional investigation, conduct any work to address conditions at the Facility, and/or enforce the terms of these Orders.

VII. TERMINATION

Respondents' obligations under these Orders shall terminate when Respondents demonstrate to the satisfaction of Ohio EPA that Respondents have performed all obligations under these Orders, and the Chief of the Division of Materials and Waste Management acknowledges, in writing, the termination of these Orders. If Ohio EPA does not agree that all obligations have been performed, then Ohio EPA will notify Respondents, in writing, of the obligations that have not been performed, in which case Respondents shall have an opportunity to address any such deficiencies and seek termination as described above. This certification shall be submitted by Respondents to Ohio EPA and shall be signed by a responsible official of Respondents. For purposes of these Orders, a responsible official is a principal executive officer of at least the level of vice president or his duly authorized representative, if such a representative is responsible for the overall operation of the Facility.

These certifications shall contain the following attestation: "I certify that the information contained in or accompanying this certification is true, accurate and complete."

VIII. OTHER CLAIMS

Nothing in these Orders shall constitute or be construed as a release from any claim, cause of action or demand in law or equity against any person, firm, partnership or corporation, not a party to these Orders, for any liability arising from, or related to, Respondents' Facility or Property.

IX. OTHER APPLICABLE LAWS

All actions required to be taken pursuant to these Orders shall be undertaken in accordance with the requirements of all applicable local, state, and federal laws and regulations. These Orders do not waive or compromise the applicability and enforcement of any other statutes or regulations applicable to Respondents or the Facility or the Property.

X. ACCESS

Ohio EPA and Trumbull County Health District shall have access at all reasonable times, including during business hours, to the Facility and any other property to which access is required for the implementation of these Orders, to the extent access to the property is controlled by Respondents. Access under these Orders shall be for the purposes of conducting any activity related to these Orders including but not limited to the following:

- A. Monitoring the work;
- B. Conducting sampling;

- C. Inspecting and copying records, operating logs, contracts, and/or other documents related to the implementation of these Orders;
- D. Conducting investigations and tests related to the implementation of these Orders; and
- E. Verifying any data and/or other information submitted to Ohio EPA.

To the extent that the Facility or any other property to which access is required for the implementation of these Orders is owned or controlled by persons other than Respondents, Respondents shall use its best efforts to secure from such persons access for Respondents and Ohio EPA as necessary to effectuate these Orders. Copies of all access agreements obtained by Respondents shall be provided to Ohio EPA upon request. If any access required to implement these Orders is not obtained within 30 days after the effective date of these Orders, or within 30 days after the date Ohio EPA notifies Respondents in writing that additional access beyond that previously secured is necessary, Respondents shall promptly notify Ohio EPA in writing of the steps Respondents have taken to attempt to obtain access. Ohio EPA may, as it deems appropriate, assist Respondents in obtaining access.

Notwithstanding any provision of these Orders, the State of Ohio retains all of its access rights and authorities, including enforcement authorities related thereto, under any applicable statute or regulation.

XI. MODIFICATIONS

These Orders may be modified by agreement of the parties hereto. Modifications to these Orders shall be in writing and shall be effective on the date entered in the journal of the Director of Ohio EPA.

XII. NOTICE

All documents required to be submitted by Respondents pursuant to these Orders shall be addressed to:

Ohio Environmental Protection Agency
Northeast District Office
Division of Materials and Waste Management
2110 E. Aurora Road
Twinsburg, OH 44087-1924

or to such persons and addresses as may hereafter be otherwise specified in writing by Ohio EPA.

XIII. SAMPLING AND DOCUMENT AVAILABILITY

Unless otherwise agreed to by Ohio EPA, Respondents shall notify Ohio EPA not less than 15 days in advance of all sample collection activity. Upon request, Respondents shall allow split and/or duplicate samples to be taken by Ohio EPA or its designated contractor. Ohio EPA shall also have the right to take any additional samples it deems necessary. Upon request, Ohio EPA shall allow Respondents to take split and/or duplicate samples of any samples Ohio EPA takes as part of its oversight of Respondents' implementation of the work required by these Orders.

Ohio EPA may request copies of all documentation required by these Orders including, but not limited to, sampling, tests or other data, including raw data and original laboratory reports, generated by or on behalf of Respondents with respect to the Facility. Within 7 days after Respondents' receipt of a request by Ohio EPA, Respondents shall provide Ohio EPA with a copy of the documentation requested to Ohio EPA. An electronic copy shall also be provided in a format approved by Ohio EPA. Respondents may submit to Ohio EPA any interpretive reports and written explanations concerning the raw data and original laboratory reports. Such interpretive reports and written explanations shall not be submitted in lieu of original laboratory reports and raw data. Should Respondents subsequently discover an error in any report or raw data, Respondents shall promptly notify Ohio EPA of such discovery and provide the correct information. Respondents shall retain all documentation generated as a result of these Orders for a period of at least 30 years following the effective date of these Orders.

XIV. RESERVATION OF RIGHTS

Ohio EPA and Respondents each reserve all rights, privileges and causes of action except as specifically waived in Section XV of these Orders. Nothing contained herein shall be construed to prevent Ohio EPA from seeking legal or equitable relief to enforce the terms of these Orders or from taking other administrative, legal or equitable action as deemed appropriate and necessary, including seeking penalties against Respondents for noncompliance with these Orders.

Ohio EPA expressly reserves the right to take any action and pursue any claim against Respondents or other liable parties with respect to any additional assessment and/or corrective actions necessary to costs incurred by the State of Ohio and/or recover natural resource damages under the Comprehensive Environmental Response, Compensation, and Abate or address the impacts to ground water associated with the Facility under ORC Chapter 3714., to perform additional activities pursuant to ORC Chapters 3714., 3734., 6111., or any other applicable law in the future, and to recover response Liability Act of 1980 ("CERCLA"), as amended, 42 U.S.C. 9601 et. seq.

Nothing herein shall restrict the right of Respondents to raise any administrative, legal or equitable claim or defense with respect to such further actions which Ohio EPA may seek to require of Respondents. Nothing in these Orders shall be construed to limit the authority of Ohio EPA to seek relief for violations not addressed in these Orders.

XV. WAIVER

In order to resolve disputed claims, without admission of fact, violation or liability, and in lieu of further enforcement action by Ohio EPA for only the violations specifically cited in these Orders, Respondents consent to the issuance of these Orders and agree to comply with these Orders. Compliance with these Orders shall be a full accord and satisfaction for Respondents' administrative and civil liability for the violations specifically cited herein.

Respondents hereby waive the right to appeal the issuance, terms and conditions, and service of these Orders or of any modified assessment plan, and Respondents hereby waive any and all rights Respondents may have to seek administrative or judicial review of these Orders or of any modified assessment plan either in law or equity.

Notwithstanding the preceding, Ohio EPA and Respondents agree that if these Orders are appealed by any other party to the Environmental Review Appeals Commission, or any court, Respondents retain the right to intervene and participate in such appeal. In such an event, Respondents shall continue to comply with these Orders notwithstanding such appeal and intervention unless these Orders are stayed, vacated or modified.

XVI. EFFECTIVE DATE

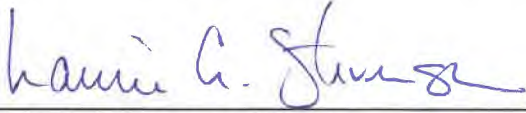
The effective date of the Orders is the date these Orders are entered into the Ohio EPA Director's Journal.

XVII. SIGNATORY AUTHORITY

Each undersigned representative of a party to these Orders certifies that he or she is fully authorized to enter into these Orders and to legally bind such party to these Orders.

IT IS SO ORDERED AND AGREED:

Ohio Environmental Protection Agency



Laurie A. Stevenson, Director

IT IS SO AGREED:

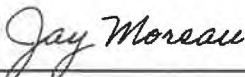
Signature

Date

Lordstown Construction Recovery, LLC

Title

IT IS SO AGREED:



Signature

10/13/19

Date

Aggregate Industries Management, Inc.
aka The Standard Slag Co.

President

Title

IT IS SO ORDERED AND AGREED:

Ohio Environmental Protection Agency



Laurie A. Stevenson, Director

IT IS SO AGREED:



Signature

10/21/2019

Date

Lordstown Construction Recovery, LLC

REGIONAL HEAD GLW AND NER

Title

IT IS SO AGREED:

Signature

Date

Aggregate Industries Management, Inc.
aka The Standard Slag Co.

Title