

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

OHIO E.P.A.

SEP 12 2011

ENTERED DIRECTOR'S JOURNAL

In the Matter of:

Richland Moulded Brick Company, Inc.
1000 Richland Shale Road
Mansfield, Ohio 44903

Respondent

**Director's Final
Findings and Orders**

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to Richland Moulded Brick Company, Inc. (Respondent) pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency (Ohio EPA) under Ohio Revised Code (ORC) §§ 3734.02(G), 3734.13, and 3745.01.

II. PARTIES BOUND

These Orders shall apply to and be binding upon Respondent and successors in interest liable under Ohio law. No change in ownership of the Respondent or of the Facility shall in any way alter Respondent's 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 3734. and the rules promulgated thereunder.

IV. FINDINGS

The Director of Ohio EPA has determined the following findings:

I certify this to be a true and accurate copy of the original documents as filed in the records of the Ohio Environmental Protection Agency.

By Jim Lassiter - 9-12-11

1. Respondent is a "person" as defined in ORC § 3734.01(G) and Ohio Administrative Code (OAC) rule 3745-50-10(A).
2. Respondent owns a brick manufacturing facility located at 800 Richland Shale Road known as Plant #1, and the neighboring brick manufacturing facility located at 1000 Richland Shale Road known as Plant #2, Mansfield, Richland County, Ohio 44903 (Facility). Respondent is an Ohio corporation, incorporated in Richland County on September 14, 1988.
3. Respondent notified Ohio EPA of its hazardous waste activities and was issued generator identification number OHR000011221.
4. On October 5, 2006, Ohio EPA was present at Plant #1 of the Facility to perform a closure certification inspection. During this visit, Ohio EPA discovered a storage area filled with various sized containers of waste and stained soil. As a result of this discovery, Ohio EPA determined that Respondent failed to evaluate wastes to determine if they were hazardous in violation of OAC rule 3745-52-11.
5. Respondent was notified of the violation referenced in Finding No. 4. of these Orders by letter dated November 15, 2006.
6. On January 10, 2007, Ohio EPA received a Waste Analysis Plan (WAP) from Respondent for the wastes referenced in Finding No. 4. of these Orders.
7. After review of the WAP referenced in Finding No. 6. of these Orders, Ohio EPA notified Respondent of deficiencies in the WAP by letter dated March 29, 2007.
8. On April 8, 2008 Ohio EPA performed sampling of some of the wastes referenced in Finding No. 4. of these Orders. The results of the sampling indicated that the wastes were characteristically hazardous for D001, D006, D008, D010 and D018 as defined in OAC rules 3745-51-20 through 3745-51-24.
9. Based upon the results in Finding No. 8, Respondent had, *inter alia*, established and operated a hazardous waste storage facility, in violation of ORC § 3734.02 (E) and (F).
10. Respondent was notified of the violation referenced in Finding No. 9. of these Orders by letter dated October 23, 2008.
11. Respondent conducted additional sampling of the wastes referenced in Finding No. 4. of these Orders at the Facility on March 9, 2009.

12. On May 12, 2009, Ohio EPA DHWM conducted a site visit at the Facility, including both Plant #1 and Plant #2. As a result of this visit, Ohio EPA determined that unevaluated wastes were still present at the Facility.
13. On October 28, 2009, Respondent shipped some of the identified hazardous wastes at the Facility to a permitted treatment, storage and disposal facility.
14. By letter dated December 7, 2009, Respondent submitted documentation of the shipment of hazardous waste referenced in Finding No. 13. of these Orders to Ohio EPA.
15. Respondent generated greater than one thousand (1,000) kilograms of hazardous waste at the Facility in a calendar month during the 2009 calendar year and shipped the hazardous waste to an off-site permitted hazardous waste disposal facility. Consequently, Respondent is required to submit an annual hazardous waste report, in accordance with OAC rule 3745-52-41. Respondent failed to submit the 2009 annual hazardous waste report until March 2011. Therefore, the Director has determined the Respondent is in violation of OAC rule 3745-52-41 for failing to submit a 2009 annual hazardous waste report.
16. Ohio EPA conducted site visits on June 24, August 17, and August 19, 2010, and created an inventory of the wastes at the Facility. This inventory list is marked Exhibit A and is attached to these Orders.
17. Based on the locations at the Facility where hazardous wastes were illegally treated, stored and/or disposed, Ohio EPA has identified known areas subject to closure as hazardous waste units. These areas are: the south end of the Strapping Building, identified generally as area A on the aerial photographs marked as Exhibit B, and attached to these Orders; Sections 1, 2, and 3 of the South Overhang, generally identified as Area B on Exhibit B; and the barium carbonate storage area room, generally identified as Area C on Exhibit B. Other areas of the Facility may also require closure as hazardous waste treatment, storage or disposal units, pending performance by Respondent of Order No. 1.
18. Pursuant to ORC § 3734.02(G) and rule 3745-50-31 of the Ohio Administrative Code (OAC), the Director may, by order, exempt any person generating, storing, treating, or disposing of hazardous waste in such quantities or under such circumstances that, in the determination of the Director, it is unlikely that the public health or safety or the environment will be adversely affected thereby, from any requirement to obtain a permit or comply with other requirements of ORC

Chapter 3734. Any such exemption shall be consistent with and equivalent to rules promulgated under the Resource Conservation and Recovery Act of 1976, 90 Stat. 2806, 42 U.S.C. § 6921 et seq., as amended.

19. Due to Respondent's establishment and operation of hazardous waste storage and disposal facilities as described in Finding No. 9. of these Orders, Respondent is required to have a hazardous waste facility installation and operation permit and is subject to and has violated the generator standards in OAC chapter 3745-52 and the general facility standards found in OAC Chapters 3745-54 and 55, including but not limited to, closure in accordance with OAC rules 3745-55-11 through 3745-55-20, the financial assurance for closure requirements contained in OAC rules 3745-55-42 through 3745-55-51 and corrective action for waste management units in accordance with OAC rule 3745-54-101. To obtain a hazardous waste facility installation and operation permit, Respondent is required to submit "Parts A and B" of the application in accordance with OAC Chapter 3745-50.
20. The submittal of a Closure Plan which complies with the administrative requirements of OAC Chapters 3745-65 and 66 and the substantive requirements of OAC Chapters 3745-54 and 55 including but not limited to the groundwater protection program in accordance with OAC rules 3745-54-90 through 3745-54-100 in lieu of the submittal of an application for a hazardous waste facility installation and operation permit is unlikely to adversely affect the public health or safety or the environment. Therefore, the Director finds that the issuance to Respondent of an exemption from the requirement to submit an application for a hazardous waste facility installation and operation permit for the Facility is unlikely to adversely affect the public health or safety or the environment within the meaning of ORC § 3734.02(G).
21. Based upon a review of financial information submitted by Respondent on January 19, 2011, and July 20, 2011, Ohio EPA determined that Respondent does not possess the financial ability to pay the entire civil penalty settlement proposed in the Director's letter of December 27, 2010.

V. ORDERS

Respondent shall achieve compliance with Chapter 3734. of the ORC and the regulations promulgated there under according to the following compliance schedule:

1. Within 120 days of the effective date of these Orders, Respondent shall submit to Ohio EPA documentation showing that all remaining wastes at the Facility, including but not limited to those identified in Exhibit A, have been characterized pursuant to and in compliance with OAC rule 3745-52-11, and properly managed in a manner that prevents releases of hazardous waste. Acceptance of this documentation by Ohio EPA will abate the violation referenced in Finding No. 4. of these Orders.

2. The Respondent is hereby exempted from the requirement to submit an application for a hazardous waste facility installation and operation permit for the Facility, *provided that* Respondent complies with the following:
 - a. Within 120 days after the effective date of these Orders, Respondent shall submit to Ohio EPA a Closure Plan for the identified hazardous waste storage/disposal areas in Finding No. 17. and Exhibit B, and any other areas where hazardous wastes were illegally treated, stored or disposed, as identified by the results of the waste characterization required by Order No. 1;
 - b. This Closure Plan shall comply with the administrative requirements of OAC Chapters 3745-65 and 3745-66 and the substantive requirements of OAC Chapters 3745-54 and 3745-55, including but not limited to, the groundwater protection program in accordance with OAC rules 3745-54-90 through 54-100;
 - c. The Closure Plan is subject to approval by Ohio EPA. If Ohio EPA does not approve the Closure Plan referenced in Order No. 2.a., and provides Respondent with a written statement of deficiencies, Respondent shall submit a revised Closure Plan for approval addressing the deficiencies within 30 days of receiving such written statement. If Ohio EPA modifies the Closure Plan, the modified Closure Plan becomes the approved plan;
 - d. Upon Ohio EPA approval of the Closure Plan, Respondent shall implement the approved Closure Plan in the manner and pursuant to the time frames set forth in the approved Closure Plan and OAC rules 3745-55-13/3745-66-13;
 - e. Within 30 days after Ohio EPA's approval of the Closure Plan pursuant to Order No. 2.a., above, Respondent shall submit a closure cost estimate and documentation demonstrating that Respondent has established

financial assurance and liability coverage for the areas of the Facility subject to closure, in accordance with OAC rules 3745-55-42 through 3745-55-47;

- f. Within 60 days after completion of closure, Respondent shall submit certification of closure to Ohio EPA in accordance with OAC rule 3745-55-15. Closure certification of the area described in Order No. 2.a. will abate the violations referenced in Finding No. 9. of these Orders; and
 - g. Respondent may request in writing, for good cause shown, a one-time extension for any deadline contained in Order No. 2., for a period of time not to exceed thirty (30) days. Such written request shall be made pursuant to the notice provisions in Section XI., at least twenty-one days in advance of the expiration of the deadline in effect, and shall contain an explanation of the necessity for the extension. Ohio EPA may grant, modify or deny the extension in writing prior to the expiration of the deadline in effect, but the existing deadline remains in effect until such time as Ohio EPA agrees to an extension.
3. Respondent shall pay Ohio EPA the amount of \$5,000.00 in settlement of Ohio EPA's claims for civil penalties, which may be assessed pursuant to ORC Chapter 3734. This amount will be deposited into the hazardous waste cleanup fund established pursuant to ORC § 3734.28 pursuant to the following schedule:
- a. Within 30 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$1,667.00;
 - b. Within 90 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$1,667.00; and
 - c. Within 180 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$1,666.00.

Respondent shall make each payment by tendering an official check made payable to "Treasurer, State of Ohio." The official checks shall be submitted to Ohio EPA, Office of Fiscal Administration, P.O. Box 1049, Columbus, Ohio 43216-1049, together with a letter identifying Respondent and the Facility. A copy of each check shall be submitted in accordance with Section X. of these Orders.

VI. Tolling Agreement (ORC Section 3745.31)

Respondent agrees that the time period between the effective date of these Orders and payment in full of the civil penalty settlement amount of \$5,000.00 set out in Section V. of these Orders will not be included in computing the time periods under the statute of limitations set forth in ORC Section 3745.31. Respondent agrees not to assert, plead or raise in any fashion, in any such action hereafter initiated or maintained by the State of Ohio, whether by answer, motion, or otherwise, any defense or avoidance based on (a) the running of the statute of limitations during the aforementioned period or (b) laches or other principles concerning the timeliness of commencing a civil action based upon the failure of the State of Ohio to assert such claims during the aforementioned period; and the statute of limitations shall be tolled during and for such period.

VII. TERMINATION

Respondent's obligations under these Orders shall terminate when Respondent certifies in writing and demonstrates to the satisfaction of Ohio EPA that Respondent has performed all obligations under these Orders and Ohio EPA's Division of Hazardous 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 Respondent of the obligations that have not been performed, in which case Respondent shall have an opportunity to address any such deficiencies and seek termination as described above.

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

This certification shall be submitted by Respondent to Ohio EPA and shall be signed by a responsible official of Respondent. For purposes of these Orders, a responsible official is a [e.g., corporate officer] who is in charge of a principal business function of Respondent.

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, the operation of Respondent's Facility.

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 Respondent.

X. MODIFICATIONS

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

XI. NOTICE

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

Ohio Environmental Protection Agency
Northwest District Office
Division of Materials and Waste Management
347 North Dunbridge Road
Bowling Green, Ohio 43402
Attn: DMWM Manager

and Ohio EPA Central Office at the following address:

For mailings, use the post office box number:

Scott J. Nally, Director
Ohio Environmental Protection Agency
Lazarus Government Center
Division of Materials and Waste Management
P.O. Box 1049
Columbus, Ohio 43216-1049
Attn: Manager, Compliance Assurance Section

For deliveries to the building:

Scott J. Nally, Director
Ohio Environmental Protection Agency
Lazarus Government Center
Division of Materials and Waste Management
50 West Town Street
Columbus, Ohio 43215
Attn: Manager, Compliance Assurance Section

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

XII. RESERVATION OF RIGHTS

Ohio EPA reserves its rights to exercise its lawful authority to require Respondent to perform corrective action at the Facility at some time in the future, pursuant to ORC Chapter 3734. or any other applicable law. Respondent reserves its rights to raise any administrative, legal or equitable claim or defense with respect to any final action of the Director regarding such corrective action. Ohio EPA and Respondent each reserve all other rights, privileges and causes of action, except as specifically waived in Section XII. of these Orders.

XIII. 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, Respondent consents to the issuance of these Orders and agrees to comply with these Orders. Except for the right to seek corrective action at the Facility

pursuant to OAC 3745-54-101, which right Ohio EPA does not waive, compliance with these Orders shall be a full accord and satisfaction for Respondent's liability for the violations specifically cited herein.

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

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

XIV. EFFECTIVE DATE

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

XV. 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



Scott J. Nally
Director

SEP 12 2011

Date

IT IS SO AGREED:

Richland Moulded Brick Company, Inc.

Dudley P. Frame, Jr.
Signature

9.2.11
Date

Dudley P. Frame, Jr.
Printed or Typed Name

President
Title

Exhibit A

Site Inventory

Exhibit A
Container List Unknown.XLSX

Richland Moulded Brick Unknown Container List						
Revised 10-21-2010						
Pallets may not contain the same material throughout the pallet.						
MK (Mike Kyer)		BG (Bill Geier)				
Container Name/Number of Containers in Lot if Multiple	Size of Container	Color of Container	Container Construction: Plastic, Metal, Etc.	Type of Container: Drum, Pail, Box, Etc.	Contents of Container	Specific Container Location
D15	55 gallon	rust	metal	drum	small amount of oil, water, mostly empty, pressurized drum	Section 2; section 1 as of 06-24-2010
D18	55 gallon	rust with yellow stripe	metal	drum	N/A	Section 2 04-08-2008; section 1 as of 06-24-2010
D22	55 gallon	rust	metal	drum	N/A	Section 1 as of 06-24-2010
D25	55 gallon	black with red stripe	metal	drum	light amber yellow viscous liquid on top of clear liquid	Section 1 as of 06-24-2010
D27-1	55 gallon	white	poly	drum	drum in front building, liquid	Front Brick Office Building 06-24-2010
P02	5 gallon	white	plastic	pail	black powder with metal fragments, friable	Section 2 06-24-2010
P03	5 gallon	white	plastic	pail	white fine powder	Section 2 as of 06-24-2010
P06	5 gallon	white	plastic	pail	black powder with metal fragments, not clumpy	Section 2 06-24-2010
P07	5 gallon	white	plastic	pail	black solid, clumpy	Section 2 06-24-2010
P09	5 gallon	white	plastic	pail	black clumpy solid with metal fragments	Section 2 06-24-2010
P10	5 gallon	white	plastic with metal lid	pail	gray solids with 2 inches of liquid on top	Section 2 06-24-2010
P11	5 gallon	white	plastic	pail	gray powder with clear liquid on top	Section 2 04-08-2008; Section 3 06-24-2010
P12	5 gallon	white	plastic	pail	blue/gray sticky sludge with clear liquid on top	Section 2 as of 04-08-2008
P15	5 gallon	white	plastic	pail	black powder, with granular material	Section 2 as of 04-08-2008; Section 3 06-24-2010
P17	5 gallon	white	plastic	pail	black solid/ liquid	Section 2 as of 04-08-2008; Section 3 06-24-2010
P23	5 gallon	white	plastic	pail	dark black liquid	Section 2; MK moved to Section 1 06-24-2010
P24	5 gallon	white	plastic	pail	what appears to be dirt and clear liquid	Section 2 as of 04-08-2008
P26	5 gallon	red with white lid	plastic	pail	white solid with clear liquid on top, paste like	Section 2; North of Section 1, 2 on 06-24-2010
P29	5 gallon	whiteish gray	plastic	pail	dark solids	Section 2 prior to 06-24-2010
P30	~3 gallon					Section 2 prior to 06-24-2010
P31-2nd	5 gallon		metal	pail	tarry material	Section 3 06-24-2010
P34	5 gallon			pail	debris saturated white powder	Section 1 as of 06-24-2010
P36	5 gallon	white	plastic	pail	black friable powder	Section 2 as of 06-24-2010
P40	5 gallon	white	plastic	pail	gray fine powder	Section 3 06-24-2010
P41	5 gallon	gray	metal	pail	white fine powder, can totally rusted out	Section 2 06-24-2010
P44	5 gallon	gray	metal	pail	gray, wet powder	Section 2 06-24-2010

Exhibit A
Container List Unknown.XLSX

P47		white	plastic	pail	gray/tan powder like material	Section 3 06-24-2010
M-10	~ 20 gallon	tan	cardboard	drum	a sealed paper bag containing 50 pounds dextrose	Section 1 as of 04-08-2008
M-11	~15 gallon	tan	cardboard	drum	sealed bag of product lime	Section 1 as of 04-08-2008
M-12	~15 gallon	tan	cardboard	drum	sealed bag of product lime	Section 1 as of 04-08-2008
B-01	3 feet by 2 feet by 1 foot		plastic	bag	white crystal solids	Front Brick Office Building 06-24-2010
Sample 3909-005-LC	6 lab bottles		plastic		black granular, powder	Section 2 as of 03-09-2009
Large Pile of Soil in Main Portion of North Building Near Closure Area						North Building
Floor Bay #1	55 gallon	black	metal	drum	liquid/sludge from floor	South Overhang prior to 06-24-2010
Jars				pail	lab bottles	South Overhang
MK's #5	55 gallon	black	metal	drum	M10, M11, M12	Section 2 as of 06-24-2010
MK's #6=P2, P5, P6, P7, P9, P10, P12, Non-Haz Solid	55 gallon	black	metal	drum	P2, P5, P6, P7, P9, P10, P12, Non-Haz Solid	North of Section 1, 2 as of 06-24-2010
MK's #1 Non-Haz Liquid	55 gallon	black	metal	drum		North of Section 1, 2 as of 06-24-2010
Non-Haz	55 gallon	black	metal	drum		North of Section 1, 2 as of 06-24-2010
Non-Haz #3 Floor	55 gallon	black	metal	drum		North of Section 1, 2 as of 06-24-2010
Non-Haz Wh	55 gallon	yellow	metal	drum		North of Section 1, 2 as of 06-24-2010
Non-Haz	55 gallon	black	metal	drum		North of Section 1, 2 as of 06-24-2010
Non-Haz	55 gallon	black	metal	drum		North of Section 1, 2 as of 06-24-2010
Non-Haz	55 gallon	black	metal	drum		North of Section 1, 2 as of 06-24-2010
Container not labeled during 06-24-2010	~2 gallon	tan	cardboard	pail	paper letter that states contents are dolomitic quicklime from National Lime & Stone Company	Section 2 as of 06-24-2010
RMB-1		clear	plastic	bag	2 cardboard boxes of sawdust	Section 2 as of 06-24-2010
MK's Gaylord Box #4, Wood		tan	cardboard	box		Section 2 as of 06-24-2010
MK's #3	~1 cubic yard	tan	cardboard	box		Section 3 as of 06-24-2010
MK's #1 drum				drum	10 rusted out pails	
MK's #2 drum				drum	10 rusted out pails	
MK's #3 drum				drum	P37, P4, P36, P18, P38, P16, P33, P1, P4	
MK's #4 drum				drum	P3, P34	
MK's #1 box		tan	cardboard	box	P25, P30, P39	
RMB-2	5 gallon	white	plastic	pail	oil and oil filter	Section 3 as of 06-24-2010
RMB-03	5 gallon	orange	plastic	pail	liquid	Section 3 as of 06-24-2010
RMB-04	1 gallon	tan	cardboard	pail	letter stating material is silica and 1 quart bag of material, and MSDS	Section 3 as of 06-24-2010
RMB-05		gray with white lid	plastic	pail	gray fine powder	Section 3 as of 06-24-2010

Exhibit A
Container List Unknown.XLSX

RMB-06	5 gallon	gray with orange lid	plastic	pail		Section 3 as of 06-24-2010
RMB-07	5 gallon	white	plastic	pail	1 gallon metal paint can without lid containing white solids	Section 3 as of 06-24-2010
RMB-08	5 gallon		metal	pail	solids, VERY HEAVY	Section 7 as of 06-24-2010
RMB-09	55 gallon	white	poly	drum	liquid/D27-1	Front Brick Office Building as of 06-24-2010
RMB-10/4	1 gallon	rust	metal	can		Front Brick Office Building as of 06-24-2010
RMB-10/4	1 gallon		metal	can		Front Brick Office Building as of 06-24-2010
RMB-10/4	1 quart		metal	can		Front Brick Office Building as of 06-24-2010
RMB-10/4	1 gallon		metal	can		Front Brick Office Building as of 06-24-2010
RMB -11		rust	metal	container		Strapping Building as of 06-24-2010
RMB-12	N/A	N/A	N/A	N/A	large pile of soil with visqueen and other garbage	north overhang of north building as of 06-24-2010
RMB-13	N/A	N/A	N/A	N/A	medium sized pile of black material, BG said it is "pet coke"	north overhang of north building as of 06-24-2010
RMB-14	55 gallon	black	metal	drum	MK and BG said floor sweeping, concrete dust	"locked closet" in north building as of 06-24-2010
RMB-15	55 gallon	black	metal	drum	MK and BG said floor sweeping, concrete dust	"locked closet" in north building as of 06-24-2010
RMB-16	55 gallon	black	metal	drum	MK and BG said floor sweeping, concrete dust	"locked closet" in north building as of 06-24-2010
RMB-17	55 gallon	black	metal	drum	MK and BG said floor sweeping, concrete dust	"locked closet" in north building as of 06-24-2010
RMB-18	55 gallon	black	metal	drum	MK and BG said floor sweeping, concrete dust	"locked closet" in north building as of 06-24-2010
RMB-19	1 gallon	rust	metal	can		"locked closet" in north building as of 06-24-2010
064-1	1 cubic yard	tan	cardboard	box	bag inside that has gray and black material	North Building Room as of 06-24-2010
064-2/Numerous	1 cubic yard	tan	cardboard	box	numerous bottles, boxes containing items such as Epsom salts, acid	North Building Room as of 06-24-2010
064-2/Numerous	1 pint			bottle		North Building Room as of 06-24-2010
064-2/Numerous	1 pint			bottle		North Building Room as of 06-24-2010
064-2/Numerous				bottle		North Building Room as of 06-24-2010
064-2/Numerous	1 pint			bottle		North Building Room as of 06-24-2010
064-2/Numerous				bottle		North Building Room as of 06-24-2010

Exhibit A
Container List Unknown.XLSX

064-2/Numerous					10-15 unknown bags of material	North Building Room as of 06-24-2010
064-2/Numerous					various cardboard boxes	North Building Room as of 06-24-2010
064-2/Numerous	2 gallon			jug		North Building Room as of 06-24-2010
064-2/Numerous						North Building Room as of 06-24-2010
064-3				pallet	solids wrapped in plastic, bags/unbagged material, ~40 bags	North Building Room as of 06-24-2010
064-4				pallet	~50 bags of solids	North Building Room as of 06-24-2010
064-5	1 cubic yard	tan	cardboard	box	small box, white solids, and other material such as tyvek	North Building Room as of 06-24-2010
064-6				pallet	~20 bags of material that resemble sand/brown clay	North Building Room as of 06-24-2010
064-7	1 cubic yard	tan	cardboard	box	bagged material of different kinds	North Building Room as of 06-24-2010
064-8				pallet	~70 bags of material	North Building Room as of 06-24-2010
064-9	1 cubic yard	tan	cardboard	box	bag	North Building Room as of 06-24-2010
064-10				pallet	~50 bags of solids	North Building Room as of 06-24-2010
064-11	1 cubic yard	tan	cardboard	box	with ~8 inches of clear liquid (possibly rain)	North Building Room as of 06-24-2010
064-12				pallet	6 cardboard drums of material	North Building Room as of 06-24-2010
064-13				pallet	cardboard box and at least 4 cardboard drums of material	North Building Room as of 06-24-2010
064-14				pallet	~10 cardboard drums of Ferro Color	North Building Room as of 06-24-2010
064-15				pallet	~30 bags of solids	North Building Room as of 06-24-2010
RMB-20	1 cubic yard	white	plastic	super saks	16 super saks of material	West End of Tunnel Kiln room as of 06-24-2010
RMB-21				pallet	~20 bags of material	West End of Tunnel Kiln room as of 06-24-2010
RMB-22				pallet	~15 bags of material	West End of Tunnel Kiln room as of 06-24-2010
RMB-23/3	3 gallon	white	plastic	pail	BG said it is cement glue for refractory brick	North of main Kiln in Tunnel Kiln room as of 06-24-2010
RMB-23/3	3 gallon	white	plastic	pail	BG said it is cement glue for refractory brick	North of main Kiln in Tunnel Kiln room as of 06-24-2010
RMB-23/3		white	plastic	bag		North of main Kiln in Tunnel Kiln room as of 06-24-2010
RMB-24/3	2 quart	white	plastic	can		brick control room south of the main kiln in the tunnel kiln building as of 06-24-2010

Exhibit A
Container List Unknown.XLSX

RMB-24/3	~3 gallon	white	plastic	pail		brick control room south of the main kiln in the tunnel kiln building as of 06-24-2010
RMB-24/3	~3 gallon	white	plastic	pail		brick control room south of the main kiln in the tunnel kiln building as of 06-24-2010
RMB-25/11	5 gallon		plastic	pail	dark oily liquid	west of control room but south of kiln in tunnel kiln building as of 06-24-2010
RMB-25/11	3 gallon	white	plastic	pail		west of control room but south of kiln in tunnel kiln building as of 06-24-2010
RMB-25/11	2 quart	white	plastic	pail		west of control room but south of kiln in tunnel kiln building as of 06-24-2010
RMB-25/11	2 quart	white	plastic	pail		west of control room but south of kiln in tunnel kiln building as of 06-24-2010
RMB-25/11	1 gallon		metal	can	pink/white material	west of control room but south of kiln in tunnel kiln building as of 06-24-2010
RMB-25/11	1 gallon	various	metal	can		west of control room but south of kiln in tunnel kiln building as of 06-24-2010
RMB-26	~30 gallon	black	metal	drum		west of control room but south of kiln in tunnel kiln building as of 06-24-2010
RMB-27	5 gallon	white	plastic	pail	dark red brown solid	west of control room but south of kiln in tunnel kiln building as of 06-24-2010
RMB-28	5 gallon	white	plastic	pail		west of control room but south of kiln in tunnel kiln building as of 06-24-2010
RMB-29	5 gallon	white wth blue lid	plastic	pail		south of monorail used for packaging bricks as of 06-24-2010
RMB-30	55 gallon	black	metal	drum	BG & MK say it's hydraulic oil and water	south wall of tunnel kiln building as of 06-24-2010
RMB-31	55 gallon	black	metal	drum	BG & MK say it's hydraulic oil and water	south wall of tunnel kiln building as of 06-24-2010
RMB-32	55 gallon	black	metal	drum	BG & MK say it's hydraulic oil and water	south wall of tunnel kiln building as of 06-24-2010
RMB-33	55 gallon	black	metal	drum	BG & MK say it's hydraulic oil and water	south wall of tunnel kiln building as of 06-24-2010

Exhibit A
Container List Unknown.XLSX

RMB-34	55 gallon	rust	metal	drum	BG & MK say it's hydraulic oil and water	south wall of tunnel kiln building as of 06-24-2010
RMB-35	55 gallon	black	metal	drum	BG & MK say it's hydraulic oil and water	south wall of tunnel kiln building as of 06-24-2010
RMB-36	55 gallon	black	metal	drum	BG & MK say it's hydraulic oil and water	south wall of tunnel kiln building as of 06-24-2010
RMB-37	55 gallon	black	metal	drum	BG & MK say it's hydraulic oil and water	south wall of tunnel kiln building as of 06-24-2010
RMB-38	55 gallon	black with red stripe	metal	drum	BG & MK say it's hydraulic oil and water	south wall of tunnel kiln building as of 06-24-2010
RMB-39	55 gallon	black with red stripe	metal	drum	BG & MK say it's hydraulic oil and water	south wall of tunnel kiln building as of 06-24-2010
RMB-40	55 gallon	black with red stripe	metal	drum	BG & MK say it's hydraulic oil and water	south wall of tunnel kiln building as of 06-24-2010
RMB-41	5 gallon	black	plastic	pail		south wall of tunnel kiln building as of 06-24-2010
RMB-42	5 gallon	gray	plastic	pail		south wall of tunnel kiln building as of 06-24-2010
RMB-43	5 gallon	white	plastic	pail		south wall of tunnel kiln building as of 06-24-2010
RMB-44	5 gallon		metal	pail		south wall of tunnel kiln building as of 06-24-2010
RMB-45	5 gallon	gray	plastic	pail		south wall of tunnel kiln building as of 06-24-2010
RMB-46	5 gallon	white	plastic	pail	thick red paint like material	south wall of tunnel kiln building as of 06-24-2010
RMB-47	5 gallon	white	plastic	pail	thick red paint like material	south wall of tunnel kiln building as of 06-24-2010
RMB-48	5 gallon	green	plastic	pail		south wall of tunnel kiln building as of 06-24-2010
RMB-49	5 gallon	black	plastic	pail		south wall of tunnel kiln building as of 06-24-2010
RMB-50	5 gallon	black	metal	pail		south wall of tunnel kiln building as of 06-24-2010
RMB-51	5 gallon	yellow	metal	pail		south wall of tunnel kiln building as of 06-24-2010
RMB-52				pallet	~50-70 bags	south wall of tunnel kiln building as of 06-24-2010
RMB-53/6				pallet	~56 bags per pallet	south wall of tunnel kiln building as of 06-24-2010

Exhibit A
Container List Unknown.XLSX

RMB-54/3				pallet	~70 bags per pallet, BG says it's limestone	south wall of tunnel kiln building as of 06-24-2010
RMB-55/3				pallet	~50 bags per pallet	south wall of tunnel kiln building as of 06-24-2010
RMB-56/6	~30 gallon		metal	drum		East end of tunnel kiln building as of 06-24-2010
RMB-57/Numerous				2 rooms on east end of building; superintendent office and the maintenance store room behind the superintendents office		superintendent office and the maintenance store room behind the superintendent's office as of 06-24-2010
RMB-57/Numerous	1 quart	white	plastic	bottle		superintendent office and the maintenance store room behind the superintendents office as of 06-24-2010
RMB-57/Numerous	1 quart	white	plastic	bottle		superintendent office and the maintenance store room behind the superintendents office as of 06-24-2010
RMB-57/Numerous	1 gallon			can		superintendent office and the maintenance store room behind the superintendents office as of 06-24-2010
RMB-58		silver	metal	tanker truck	may contain ligno sulfonate per BG	Outside building near stripper room as of 08-17-2010
Bag of Quickrete Tubesand			paper	bag		Manufacturing/Rack car dryer/stripper room as of 08-17-2010
RMB-59				box on wall	various bottles such as hydrogen peroxide spray, hand gel, povidone-iodine solution, burn gel packets and capsules of unknown material	on east wall near stripper machine as of 08-17-2010
RMB-60/2	5 gallon	black	metal	pail	black oily liquid with sheen, BG says it's ligno sulfonate	east wall near stripper machine as of 08-17-2010
RMB-60/2	~3 gallon	white	plastic	pail	black oily liquid with sheen, BG says it's ligno sulfonate	east wall near stripper machine as of 08-17-2010
RMB-61	~500 gallon	white	plastic	tank	clear liquid with black floating material	In middle of room north of stripper machine as of 08-17-2010
RMB-62	55 gallon	white	poly	drum	garbage and dark brown red material	west of brick making machine as of 08-17-2010

Exhibit A
Container List Unknown.XLSX

RMB-63				main brick making machine area including pits, shop vac, hopper, etc.		brick making machine area and pits as of 08-17-2010
RMB-64	1 cubic yard	yellow	metal	hopper	brownish/yellow fine, solid	north of brick making machine as of 08-17-2010
RMB-65	1 cubic yard	gray	metal	hopper		north of brick making machine as of 08-17-2010
RMB-66/2	5 gallon	white	plastic	pail	~6 inches of solid, clear liquid on top	south of dryer pit and east of dryer as of 08-17-2010
RMB-66/2	~2 quart	red	plastic	pail	dark solids with clear liquid on top	south of dryer pit and east of dryer as of 08-17-2010
RMB-67/2	1 cubic yard	gray	metal	hopper	light tan, very fine solid, appears to be like sand	room north of dryer pit as of 08-17-2010
RMB-67/2	1 quart		metal	can		inside hopper, in room north of dryer pit as of 08-17-2010
RMB-68	1 cubic yard	rust	metal	hopper	light tan, very fine solid	room north of dryer pit as of 08-17-2010
RMB-69	1 cubic yard	gray	metal	hopper	light tan, very fine solid	room north of dryer pit as of 08-17-2010
RMB-70/4	5 gallon	white	plastic	pail	75% full of dark red solid with clear liquid filling other 25%	room north of dryer pit as of 08-17-2010
RMB-70/4	5 gallon	white	plastic	pail	75% full of dark red solid with clear liquid filling other 25%	room north of dryer pit as of 08-17-2010
RMB-70/4	5 gallon	white	plastic	pail	dark red solid with very little clear liquid	room north of dryer pit as of 08-17-2010
RMB-70/4		dark red	plastic	bag	white solid	room north of dryer pit as of 08-17-2010
RMB-71	1 pint	clear with white lid	plastic	jar	green powder	room north of dryer pit as of 08-17-2010
RMB-72	55 gallon	black	metal	drum	black oily liquid with garbage	room north of dryer pit as of 08-17-2010
RMB-73				pile	tan fine solid	in corner of room north of dryer pit as of 08-17-2010
RMB-74A				pallet	~20 bags of green solid powder like material	north dryer room as of 08-17-2010
RMB-74B				pallet	~27 bags of white solid powder	north dryer room as of 08-17-2010
RMB-74C				pallet	~10 bags of light tan/yellow powder	north dryer room as of 08-17-2010
RMB-74D				pallet	unable to tell if material is bagged or not because plastic wrap around pallet, cardboard box of material sitting on top, dark brown/red solid leaking from rip in plastic wrap on pallet	north dryer room as of 08-17-2010
RMB-74E				pallet	~50 bags of material	north dryer room as of 08-17-2010
RMB-74F				pallet	~15 bags of white powder	north dryer room as of 08-17-2010
RMB-74G				pallet	~5 bags of material	north dryer room as of 08-17-2010
RMB-74H				pallet	~20 bags of white powder	north dryer room as of 08-17-2010
RMB-74I	1 cubic yard		metal	hopper	red/brown sand like solid	north dryer room as of 08-17-2010

Exhibit A
Container List Unknown.XLSX

RMB-74J	1 cubic yard		metal	hopper	red/brown sand like solid	north dryer room as of 08-17-2010
RMB-74K	1 cubic yard		metal	hopper	red/brown sand like solid	north dryer room as of 08-17-2010
RMB-74L	1 cubic yard		metal	hopper	dark red sand like solid	north dryer room as of 08-17-2010
RMB-74M	1 cubic yard		metal	hopper	deep dark red/brown sand like solid, mostly red but darker than 74-L	north dryer room as of 08-17-2010
RMB-74N	1 cubic yard		metal	hopper	dark red/brown sand like solid	north dryer room as of 08-17-2010
RMB-74O	1 cubic yard		metal	hopper	brown sand like solid	north dryer room as of 08-17-2010
RMB-74P	1 cubic yard		metal	hopper	brown sand like solid	north dryer room as of 08-17-2010
RMB-74Q	1 cubic yard		metal	hopper	brown sand like solid	north dryer room as of 08-17-2010
RMB-74R				pallet	~2 bags of grayish powder	north dryer room as of 08-17-2010
RMB-74S				pallet	~15 bags of white powder	north dryer room as of 08-17-2010
RMB-74T				pallet	~40 bags black powder material, some bags very solid possible due to moisture exposure	north dryer room as of 08-17-2010
RMB-74U				pallet	~45 bags of black powder	north dryer room as of 08-17-2010
RMB-74V				pallet	2 pallets stacked upon each other, ~60 bags total of black powder	north dryer room as of 08-17-2010
RMB-74W				pallet	2 pallets stacked upon each other, ~70 bags total of black powder	north dryer room as of 08-17-2010
RMB-75	1 gallon	white	plastic	jug		small building west of dryer room that shares a wall with the dryer room as of 08-17-2010
RMB-76			plastic	bag	white sand like material	small building west of dryer room that shares a wall with the dryer room as of 08-17-2010
RMB-77				plies	plies of material including bricks, crushed bricks, solid material, gray rock, and red brown material	Old Storage Shed as of 08-17-2010
RMB-78				cabinets	several containers including black liquid, aerosol cans, etc.	southeast corner of grinding department as of 08-17-2010
RMB-79/2	~3x2x2.5 feet	white	cloth	tote with wheels	clear liquid with drum sitting in it	small brick building east of the main maintenance room as of 08-19-2010
RMB-79/2	55 gallon	white	poly	drum	clear liquid with oily sheen and cardboard box	small brick building east of the main maintenance room as of 08-19-2010
RMB-80	~300 gallon	white	poly	tote	8-10 inches of viscous oil on top with clear liquid layer ~6 inches in middle with 5 inches of black sludge on bottom	small brick building east of the main maintenance room as of 08-19-2010
RMB-81	~15 gallon	yellow	metal	drum	hot pink grease type material	small brick building east of the main maintenance room as of 08-19-2010

Exhibit A
Container List Unknown.XLSX

RMB-82/2	~1.5 gallon	blue	plastic	jug	black oily liquid	small brick building east of the main maintenance room as of 08-19-2010
RMB-82/2	1 gallon	yellow	plastic	jug	black oily liquid	small brick building east of the main maintenance room as of 08-19-2010
RMB-83/4		brown	wood	crate		small brick building east of the main maintenance room as of 08-19-2010
RMB-83/4	1 gallon		metal	can		small brick building east of the main maintenance room as of 08-19-2010
RMB-83/4	1 gallon	white	plastic	jug		small brick building east of the main maintenance room as of 08-19-2010
RMB-83/4	1 quart	white	plastic	jar	clear liquid	small brick building east of the main maintenance room as of 08-19-2010
RMB-84/Numerous				Entire Maintenance Room Contents	unknown, unmarked, closed containers	main maintenance room as of 08-19-2010
RMB-84/Numerous	1 gallon			can		main maintenance room as of 08-19-2010
RMB-84/Numerous	1 gallon			can		main maintenance room as of 08-19-2010
RMB-84/Numerous	1 gallon			can		main maintenance room as of 08-19-2010
RMB-84/Numerous				pan	black oily liquid	main maintenance room as of 08-19-2010
RMB-84/Numerous	5 gallon					main maintenance room as of 08-19-2010
RMB-84/Numerous	16 ounce					main maintenance room as of 08-19-2010
RMB-84/Numerous	2 quart					main maintenance room as of 08-19-2010
RMB-84/Numerous	12 ounce					main maintenance room as of 08-19-2010
RMB-84/Numerous	16 ounce					main maintenance room as of 08-19-2010
RMB-84/Numerous	1 gallon					main maintenance room as of 08-19-2010
RMB-84/Numerous	2 gallon					main maintenance room as of 08-19-2010
RMB-84/Numerous	15 ounce					main maintenance room as of 08-19-2010

Exhibit A
Container List Unknown.XLSX

RMB-84/Numerous	3 gallon					main maintenance room as of 08-19-2010
RMB-84/Numerous						main maintenance room as of 08-19-2010
RMB-84/Numerous	3 gallon					main maintenance room as of 08-19-2010
RMB-84/Numerous	3 gallon					main maintenance room as of 08-19-2010
RMB-84/Numerous	3 gallon		metal	pail		main maintenance room as of 08-19-2010
RMB-85	55 gallon	blue	metal	drum	bright green liquid similar to antifreeze	main maintenance room as of 08-19-2010
RMB-86	55 gallon	red	metal	drum	dark green/black liquid	main maintenance room as of 08-19-2010
RMB-87	55 gallon	black with green stripe	metal	drum	amber colored liquid oily	main maintenance room as of 08-19-2010
RMB-88	55 gallon	black with red stripe	metal	drum	brown/gray oily liquid	main maintenance room as of 08-19-2010
RMB-89	55 gallon	blue	metal	drum	dark amber to red oily liquid	main maintenance room as of 08-19-2010
RMB-90				box on wall	various packets of material, capsules, and bottles of unknown material, burn ointment and topical skin refrigerant	monorail storage room as of 08-19-2010
RMB-91/2	5 gallon	white with blue lid	plastic	pail	white powder	south of main building under the lean to as of 08-19-2010
RMB-91/2	3 gallon	white with blue lid	plastic	pail	dark brown oily liquid	south of main building under the lean to as of 08-19-2010
RMB-92				pallet	~250-275 bags of tan solid material that is almost rock like	north of the lean to south of the main building as of 08-19-2010
RMB-93				pallet	~25-30 bags of solid material in 50 pound bags	small room with conveyor on north side of main AMB building as of 08-19-2010
WP-01				waste pile	pile of solid material	east of main building as of 08-19-2010
WP-02				waste pile	pile of solid material	east of main building under the beginning of screw feeder as of 08-19-2010
WP-03				waste pile	pile of solid material	east of main building under the bag house as of 08-19-2010

Exhibit A
 Container List Unknown.XLSX

WP-04				waste pile	pile of solid material	northeast of main building as of 08-19-2010
Fire extinguishers						throughout property, not specifically noted
Appliances such as refrigerators, freezers, coolers						throughout property, not specifically noted
Large product bins such as silos, bag houses, tanks, etc						throughout property, not specifically noted
Refractory Brick						in kilns
Possible Asbestos						
Pits/Tracks						
Drums in the woods/Numerous	~30 gallon		metal	drum	rags and oily sludge in some of drums	east side of "Tire Trail"
Drums in the woods/Numerous						west side of "Tire Trail"
Debris in woods	various			various	car batteries, spray paint cans, etc	"Pond Trail" debris
Staining on floor						throughout plant, not specifically noted
cable car transfer mechanisms			metal		oil pans are located in each mechanism	
Transformers/ Possible PCB Oil						1 near crushing plant

Exhibit B

Aerial Photographs

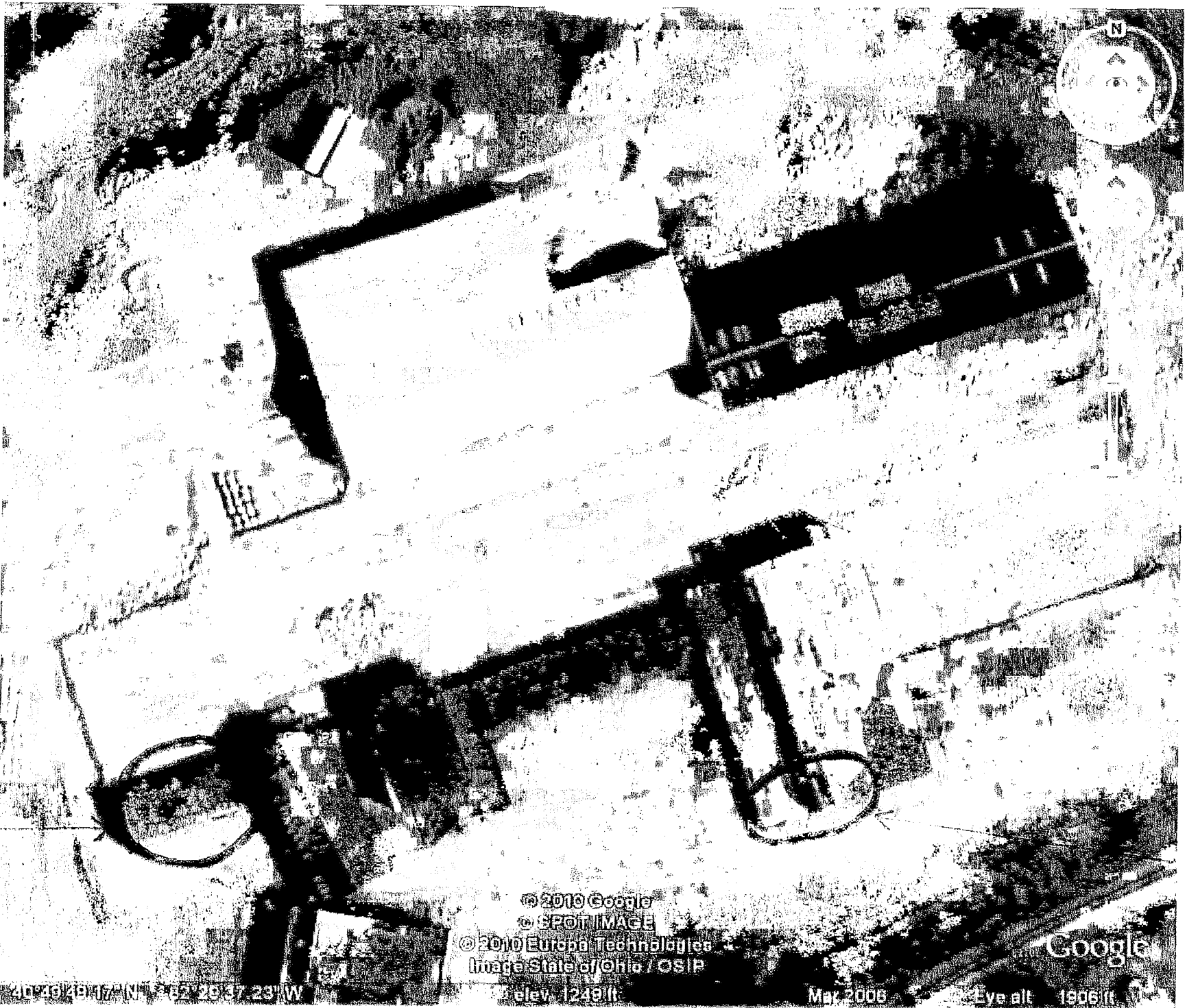
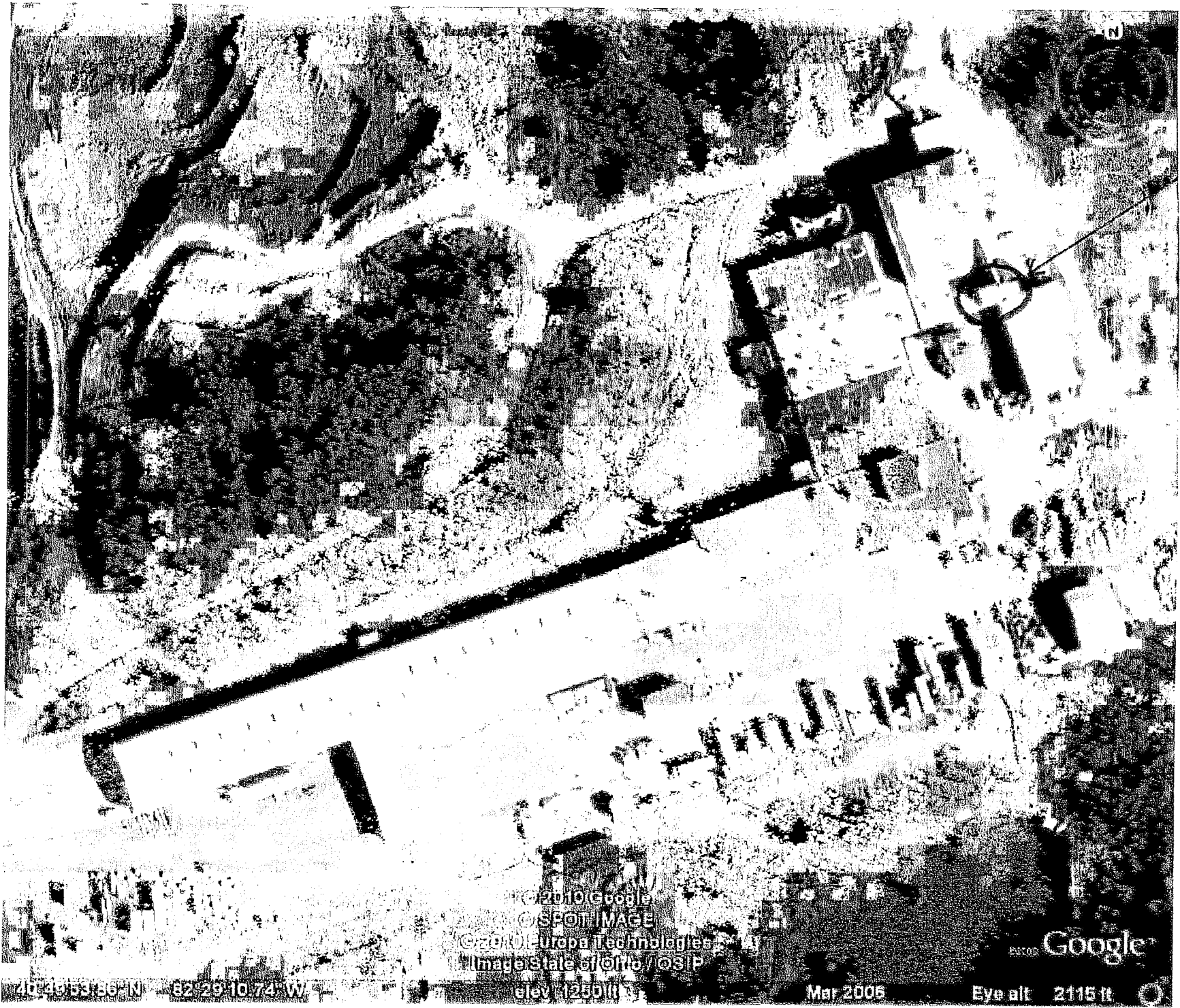


Exhibit B Page 1

Area A - South end of the
Strapping Building

Area B - Sections 1, 2, and 3



Area C - Barium Carbonate Storage Area Room

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46°49'38.86" N 82°29'10.74" W

elev: 1250 ft

Mar 2006

Eye alt: 2115 ft

