

**Annual Assessment of the
Effectiveness of
Institutional Controls
at the Mound, Ohio, Site
Miamisburg, Ohio**

June 2017



U.S. DEPARTMENT OF
ENERGY

Legacy
Management

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Abbreviations

BOI	BOI Solutions Inc.
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CRP	Comprehensive Reuse Plan
DOE	U.S. Department of Energy
EM	Office of Environmental Management
EMCBC	Environmental Management Consolidated Business Center
EPA	U.S. Environmental Protection Agency
ES	Environmental Summary
IC	institutional control
LM	Office of Legacy Management
LMS	Legacy Management Support
LTS&M Plan	Long-Term Surveillance and Maintenance Plan
MDC	Mound Development Corporation (formerly MMCIC)
MMCIC	Miamisburg Mound Community Improvement Corporation
O&M Plan	Operations and Maintenance Plan
ODH	Ohio Department of Health
ODNR	Ohio Department of Natural Resources
Ohio EPA	Ohio Environmental Protection Agency
OU-1	Operable Unit 1
PFAS	per- and polyfluoroalkyl substances
RCRA	Resource Conservation and Recovery Act
ROD	Record of Decision

1.0 Introduction

This report documents the U.S. Department of Energy (DOE) Office of Legacy Management (LM) 2017 annual assessment of the effectiveness of sitewide institutional controls (ICs) for the entire Mound, Ohio, Site¹ in Miamisburg for the period from May 1, 2016, to April 30, 2017.

ICs, which are part of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) remedies for the site, are nonengineered instruments, such as administrative and legal controls, that help minimize the potential for human exposure to contamination and protect the integrity of the remedy. The site has completed all CERCLA Section 120(h) [abbreviated as CERCLA 120(h)] requirements for property transfer as an industrial-use site.

The annual IC assessment process and this IC assessment report follow requirements in three documents that make up the Long-Term Stewardship Plan for the Mound site:

- *Operations and Maintenance Plan for the U.S. Department of Energy Mound, Ohio, Site* (DOE 2015c) (O&M Plan)
- *Long-Term Surveillance and Maintenance Plan for the U.S. Department of Energy Mound, Ohio, Site* (DOE 2015b) (LTS&M Plan)
- *Community Involvement Plan for the U.S. Department of Energy Mound, Ohio, Site* (DOE 2015a)

The Mound site ICs are defined in the Records of Decision (RODs) and the CERCLA 120(h) Summary Notice of Hazardous Substances Environmental Summaries (ESSs) described in Section 5.0 (Table 1) of this report. The ICs were developed by the DOE Office of Environmental Management (EM) with input from the public; the City of Miamisburg, Ohio; the U.S. Environmental Protection Agency (EPA); the Ohio Environmental Protection Agency (Ohio EPA); the Ohio Department of Health (ODH); and the Mound Development Corporation (MDC) (formerly named the Miamisburg Mound Community Improvement Corporation [MMCIC]).

The Mound site ICs run with the land in the form of (1) restrictions and covenants in quitclaim or limited warranty deeds or (2) activity and use limitations in the Environmental Covenant (DOE 2012a) and the lease agreement between the DOE Environmental Management Consolidated Business Center (EMCBC) and MDC for the DOE-owned Parcels 6, 7, 8, and 9.

Although not an IC, groundwater monitoring is required by CERCLA remedies for some land parcels. The groundwater monitoring information for the Phase I (A, B, and C) Parcel and Parcels 6, 7, and 8 is presented in an annual groundwater monitoring report due June 13 of each year. The groundwater monitoring information for Operable Unit 1 (OU-1) is included in monthly reports and in an annual report provided to the regulators.

¹ The Mound site has also been called the Mound Laboratory, Mound Laboratories, the Mound Plant (EPA ID OH6890008984), the USDOE Mound Plant, the Mound Facility, the USDOE Mound Facility, the Miamisburg Environmental Management Project (MEMP), and the Miamisburg Closure Project (MCP). Currently, LM uses “Mound, Ohio, Site” as the formal name of the site.

In April 2016, Ohio EPA's Resource Conservation and Recovery Act (RCRA) organization recorded its decision to not continue a separate IC inspection of the former Burn Area at the Mound site, as documented in the letter in Appendix A.

The 2017 annual IC assessment determined that the ICs continue to function as designed, adequate oversight mechanisms are in place to identify possible violations of ICs, and adequate resources are available to correct or mitigate any problems if violations occur.

2.0 Period of Review

This annual assessment covers the period from May 1, 2016, to April 30, 2017. It identifies information that is new since the last reporting period, such as new construction, demolition, or excavation; lot splits or the sale of parcels to new landowners; and new permit applications filed by property owners or their agents. Previous annual assessments are available online at the LM Mound website (<https://www.lm.doe.gov/land/sites/oh/mound/mound.htm>).

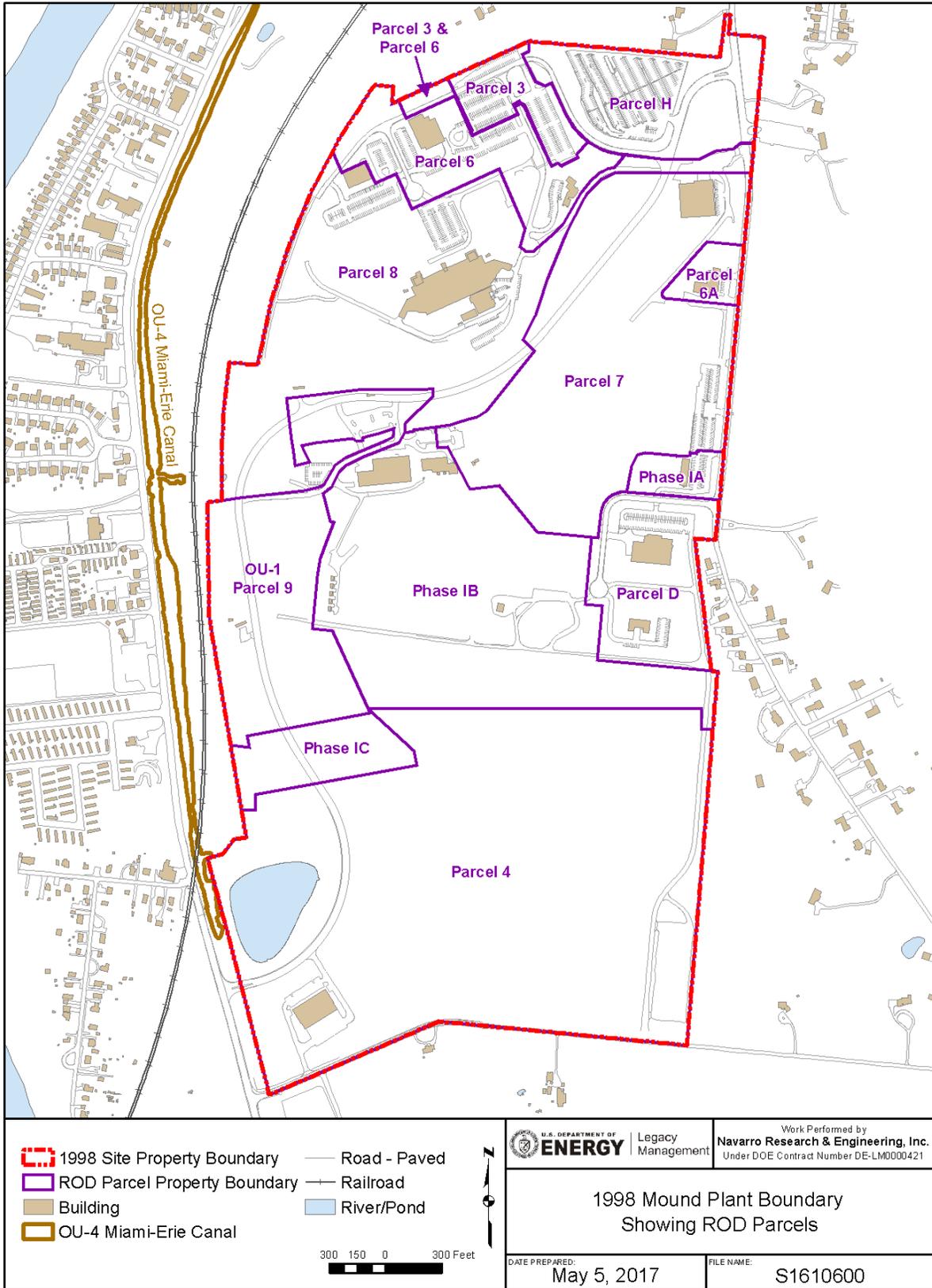
LM contacted the EMCBC, EPA, Ohio EPA, ODH, MDC, and the City of Miamisburg 30 days before the visual inspection. LM submits the annual IC assessment report to EPA and Ohio EPA no later than June 13 of each year.

3.0 Scope of Assessment

The ICs cover the entire area within the 1998 Mound Plant property outlined in red in Figure 1. The onsite ROD parcels are outlined in purple. The offsite OU-4 area west of the site outlined in gold was remediated and free released with no use restrictions or ICs.

Figure 2 is an aerial photo, taken in February 2016, showing the entire site looking north.

Appendix F contains a March 2016 legal-size aerial photo showing the ROD boundaries. Aerial photos are normally taken during each CERCLA Five-Year Review.



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Figure 1. 1998 Mound Plant Property Showing the ROD Parcels



Figure 2. Mound Site Looking North (February 2016)

4.0 IC Assessment Process

To evaluate changes in the site that could verify compliance or indicate an IC violation, this IC assessment included:

- Physical inspections of the site, including photos of changed conditions related to ICs
- Contact with the property owners to ensure that they understand the ICs
- Reviews of City of Miamisburg records for on-site properties to examine changed conditions, such as:
 - Permits, including construction, street opening, and occupancy
 - Planning-commission records
 - Zoning modifications
 - Requests for approvals of parking lots and other changes that do not require building permits
- Reviews of any IC-related requests to EPA and Ohio EPA to approve land uses, soil removal, groundwater use, penetration, and removal of concrete in the T Building
- Reviews of Montgomery County property records to determine if property ownership has changed and to determine if the IC restrictions were carried forward into the legal property documents, and searches for correspondence from property owners that notified Ohio EPA of property transfers as required by quitclaim deeds
- Reviews of the Ohio Department of Natural Resources (ODNR) website and the posted well-drilling information to determine if unauthorized wells were drilled onsite
- A walkdown with EMCBC, EPA, Ohio EPA, ODH, and MDC on April 20, 2017
- Preparing and publishing a report that is distributed to regulators and posted on the LM Mound site webpage
- Issuing a public notice that describes the ICs and summarizes results of the assessment

IC assessment inspectors followed the checklist in Appendix A of this report.

Groundwater monitoring is also part of the CERCLA remedies for Phase I (A, B, C), OU-1 Parcel 9, and Parcels 6, 7, and 8, but it is not an IC. Information on groundwater monitoring for Phase I (A, B, and C) and Parcels 6, 7, and 8 is included in an annual groundwater monitoring report. The OU-1 pump-and-treatment and groundwater monitoring analysis is currently reported in Environmental Restoration Monthly Reports and in a separate annual report. The OU-1 information will be included in a site-wide groundwater monitoring report when the OU-1 exit strategy is finalized.

5.0 CERCLA Remedy Documents

Table 1, taken from the O&M Plan, lists the eight Mound site RODs with the ROD and ES titles and their approval dates. The RODs define the CERCLA remedies that include the ICs. The ESs document that the parcel meets the requirements of CERCLA 120(h).

Table 1. Mound Site ROD and CERCLA 102(h) ES Information

ROD Parcel ID	Document	Approval Date
D	Record of Decision for Release Block D, Mound Plant, Miamisburg, Ohio, Final (DOE 1999c)	February 1999
	CERCLA 120(h) Summary Notice of Hazardous Substances, Release Block D, Mound Plant, Miamisburg, Ohio, Final (DOE 1999a)	February 1999
H	Record of Decision for Release Block H, Mound Plant, Miamisburg, Ohio, Final (DOE 1999d)	June 1999
	CERCLA 120(h) Summary Notice of Hazardous Substances, Release Block H, Mound Plant, Miamisburg, Ohio, Final (DOE 1999b)	July 1999
3	Parcel 3 Record of Decision, Mound Plant, Miamisburg, Ohio, Final (DOE 2001b)	September 2001
	Parcel 3 Environmental Summary, CERCLA 120(h) Summary Notice of Hazardous Substances, Mound Plant, Miamisburg, Ohio, Final (DOE 2001a)	September 2001
4	Parcel 4 Record of Decision, Mound Plant, Miamisburg, Ohio, Final (DOE 2001d)	February 2001
	Parcel 4 Environmental Summary, CERCLA 120(h) Summary Notice of Hazardous Substances, Mound Plant, Miamisburg, Ohio, Final (DOE 2001c)	March 2001
6, 7, 8 (includes former Parcel 6A)	Parcels 6, 7, and 8 Record of Decision, Miamisburg Closure Project, Miamisburg, Ohio, Final (DOE 2009b)	August 2009
	Parcels 6, 7, and 8 Environmental Summary, CERCLA 120(h) Summary Notice of Hazardous Substances, Final (DOE 2010)	August 2010
9 (OU-1 and expanded area)	Operable Unit 1 Record of Decision, Final (DOE 1995)	June 1995
	Parcel 9 Environmental Summary, CERCLA 120(h) Summary Notice of Hazardous Substances, Final (DOE 2011b)	August 2011
	Amendment of the Operable Unit 1 Record of Decision, U.S. Department of Energy, Mound Closure Project, Final (DOE 2011a)	August 2011
Phase I (A, B, C)	Phase I Record of Decision, Miamisburg Closure Project, Final (DOE 2003b)	July 2003
	Phase I Environmental Summary, CERCLA 120(h) Summary Notice of Hazardous Substances, Miamisburg Closure Project, Final (DOE 2003a)	December 2003
OU-4	Miami-Erie Canal Record of Decision, Miamisburg Closure Project, Final, Revision 0 (DOE 2004)	September 2004
	OU-4, located on City of Miamisburg property, was remediated to an unlimited use end state. No ES was required or issued.	

Table 2 summarizes the final ROD parcel identifications (ID numbers, dates, remedies, legal instruments, and IC objectives).

As property transfers to new owners, the site will be divided into different real-estate lot configurations, and these new lots will likely overlap ROD parcels boundaries. Nonetheless, the ROD parcel boundaries will still be relevant because they identify which ROD covers which area of the site, regardless of new property lines.

Section 9.2.4.1 and Appendix B provide details on Montgomery County property records, current property ownership status, and other agreements relating to property.

Table 2. Summary of RODs, Remedies, ICs, and Legal Instruments

Parcel	Former ID or other names	ROD Date	Remedy	Objectives of ICs	Instrument
D	Release Block D	1999	ICs	Prohibit the removal of soil. Prohibit the use of groundwater. Restrict land use to industrial/commercial only.	Quitclaim deed EM to MDC DEED-09-011643 February 24, 2009. Combined Parcels 3, 4, D, H (previously transferred) with Phase I (A, B, C) parcel transfer.
H	Release Block H	1999	ICs	Prohibit the removal of soil. Prohibit the use of groundwater. Restrict land use to industrial/commercial only.	
3	None	2001	ICs	Prohibit the removal of soil. Prohibit the use of groundwater. Restrict land use to industrial/commercial only.	
4	South property	2001	ICs	Prohibit the removal of soil. Prohibit the use of groundwater. Restrict land use to industrial/commercial only.	
Phase I	A B C	2003	ICs and MNA	Prohibit the removal of soil. Prohibit the use of groundwater. Restrict land use to industrial/commercial only.	
6 and 6A	Parcels 6, 7, and 8	2010	ICs and MNA	Prohibit the removal of soil. Prohibit the use of groundwater. Restrict land use to industrial/commercial only. Prohibit the removal of concrete floor material in specified rooms of T Building. Prohibit the penetration of concrete floor material in specified rooms of T Building.	EM leases property to MDC under these agreements until September 30, 2017: <ul style="list-style-type: none"> Amendment to 2008 Sales Contract General Purpose Lease Amendment Number 24 General Purpose Lease Appendix Number 1
7					
8					<i>Environmental Covenant EM filed as Special Instrument (Deed) 2012-00004722 on January 24, 2012, that referenced all of the original Mound site boundary lots.</i>
9	OU-1	1995 and 2011 amend.	ICs; hydraulic containment; surface water controls; long-term groundwater monitoring	Prohibit the removal of soil. Prohibit the use of groundwater. Restrict land use to industrial/commercial only.	
OU-4	Miami-Erie Canal	2004	No action	Not applicable.	None required.

Abbreviation:

MNA = monitored natural attenuation

6.0 Institutional Controls

6.1 Overview

ICs are an important component of the remedies selected for the Mound site. EPA defines ICs as nonengineered instruments, such as administrative and legal controls, that help minimize the potential for human exposure to contamination, protect the integrity of the remedy, or both.

DOE remediated the Mound site property to EPA's risk-based standards for industrial/commercial use only. Because the site is not approved for unlimited use, ICs were imposed as part of the CERCLA remedy defined in each ROD listed in Table 1. The Mound ICs were developed with input from the public, the City of Miamisburg, regulators, and MDC.

The Mound site ICs run with the land in the form of (1) restrictions and covenants in the quitclaim or limited warranty deeds or (2) activity and use limitations in the Environmental Covenant and the lease agreement. The quitclaim deeds and Environmental Covenant documents are recorded with Montgomery County, Ohio, so that all future property owners will know about the deed restrictions.

Additional information on ICs can be found in *Institutional Controls: A Citizen's Guide to Understanding Institutional Controls at Superfund, Brownfields, Federal Facilities, Underground Storage Tanks, and Resource Conservation and Recovery Act Cleanups* (EPA 2005).

6.2 Mound Site ICs

There are four (4) sitewide ICs and two (2) building-specific ICs:

1. **Prohibit the removal of soil** from within the original DOE Mound site property boundaries without prior written approval from EPA, Ohio EPA, and ODH. See Section 6.4 below for exceptions.
2. **Prohibit the extraction or consumption of, exposure to, or the use in any way of the groundwater** underlying the site without prior written approval from EPA and Ohio EPA.
3. **Maintain industrial or commercial land use and prohibit residential land use.** Each parcel ROD identifies land uses that will not be permitted, but the list is not all-inclusive. Parcels may not be used for any residential or farming activities or for any activities that could result in the chronic exposure of children less than 18 years of age to soil or groundwater from the premises. Restricted uses include:
 - Single- or multifamily dwellings or rental units
 - Daycare facilities
 - Schools or other educational facilities for children less than 18 years of age
 - Community centers, playgrounds, or other recreational or religious facilities for children less than 18 years of age
4. **Prohibit the removal of concrete floor material** from specified rooms of T Building to offsite locations without prior written approval from EPA, Ohio EPA, and ODH.

5. **Prohibit the penetration of concrete floors** in specified rooms of the T Building without prior written approval from EPA, Ohio EPA, and ODH.
6. **Allow site access for federal and state agencies** for sampling and monitoring.

Additional Core Team guidance relating to the Mound ICs can be found in Appendix C of the O&M Plan (DOE 2015c).

6.3 Special IC Areas in T Building

Appendix C of this IC assessment report provides information regarding the T Building special IC areas, including a drawing (Figure C-1) that clearly shows the special IC areas, and the *T Building Special IC Areas Core Team Agreement and Position Paper* (DOE 2009a). Appendix C includes the 2010 baseline photos of each room covered by the special ICs. Finally, Appendix D contains the 2017 photographs of the sealed cracks in the red concrete.

6.4 Areas Excepted from Soil-Removal Restriction IC

Several areas shown in purple on Figure 3 are excepted from the soil-removal IC restriction. The documents that contain these exceptions are detailed in Section 9.2.4

The RODs and quitclaim deeds contain parcel-specific deed-restriction language. RODs and other CERCLA administrative record documents are available in the CERCLA Public Reading Room and electronically on the LM Mound website (<https://www.lm.doe.gov/land/sites/oh/mound/mound.htm>).

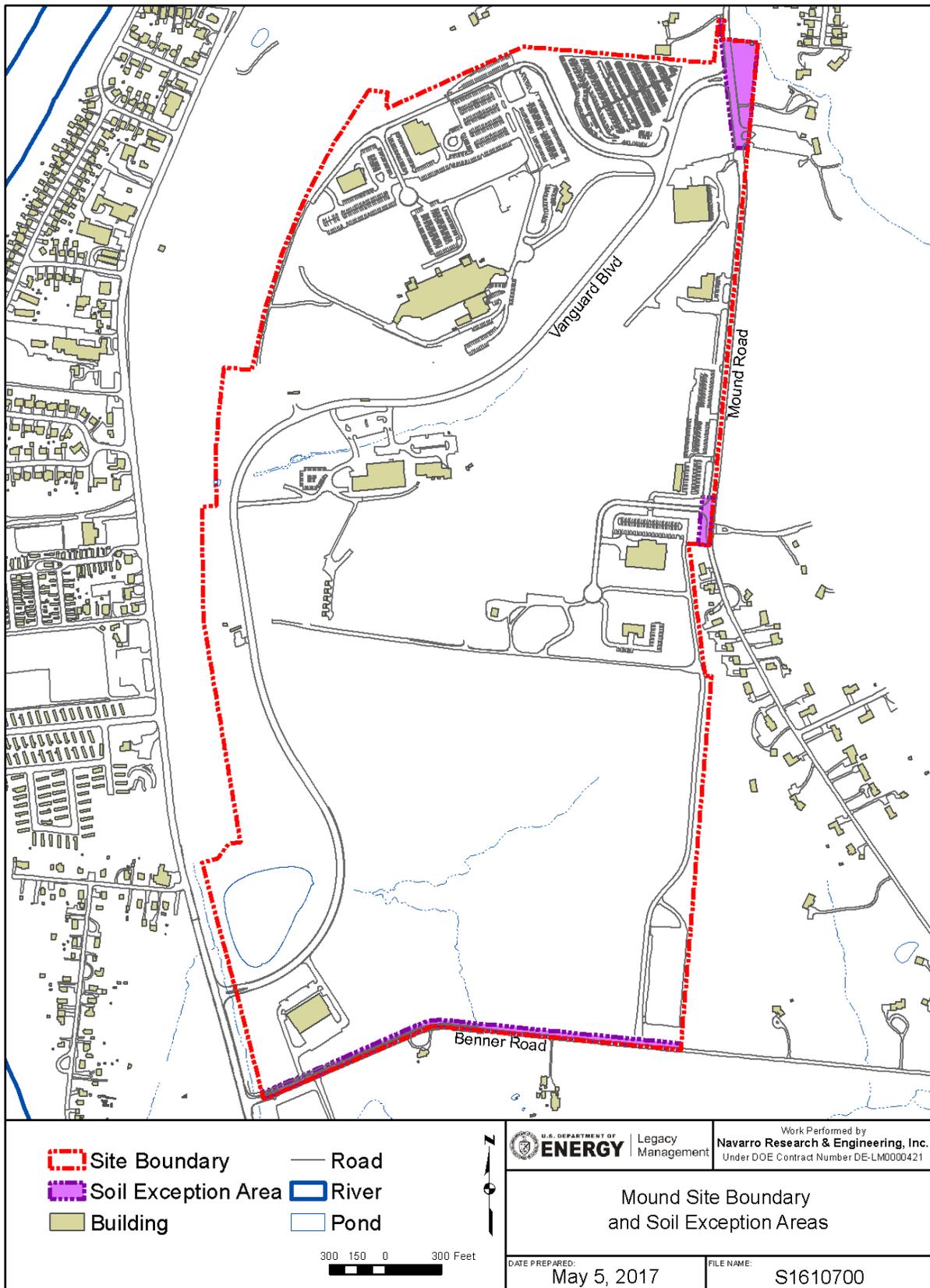


Figure 3. Mound Site Boundary and Soil-Removal Exception Areas on Mound and Benner Roads

7.0 Previous Annual Assessment and CERCLA Five-Year Review

7.1 2016 Annual Assessment

7.1.1 Summary

The 2016 annual assessment, *Annual Assessment of the Effectiveness of Institutional Controls at the Mound Site, Miamisburg, Ohio* (DOE 2016a), concluded that the Mound site ICs functioned as designed, adequate oversight mechanisms appeared to be in place to identify possible violations, and adequate resources were available to correct or mitigate any problems if a violation were to occur.

7.1.2 Recommendations or Findings

The six recommendations from the 2016 annual assessment are listed below. The status of those recommendations is detailed in Section 11.0. Items 5 and 6 are also discussed in Section 8.2.1.2.

1. Send notification of property ownership transfer of Parcel K46 01507 0030 from the City of Miamisburg to MDC, to Ohio EPA, per requirements of quitclaim deed.
2. Revise the legal descriptions for City-owned parcels K46 01507 0041 and K46 01507 0042, to define areas that were not part of the original Mound site boundary and are, therefore, not covered by ICs.
3. Clarify that onsite roadways transferred to the City of Miamisburg remain covered by the site ICs. Consider issuing a City procedure that will ensure any repairs of the roads or adjacent utility corridors within the right-of-way comply with the ICs.
4. Clarify that the two areas in Phase I and BOI Solutions Inc. (BOI) Tract 2 to the center line of Mound Road are excepted from the soil-removal IC.
5. Determine if water that has passed under red concrete in the T Building IC area causes fixed contamination under the red concrete to migrate.
6. Identify and remedy source of water in T Building special IC areas, and dry those areas.

7.2 2016 Fourth CERCLA Five-Year Review

7.2.1 Summary

The *Fourth Five-Year Review for the Mound, Ohio, Site, Miamisburg, Ohio* (DOE 2016b) determined that the IC remedies for Parcels D, H, 3, and 4 and the IC portion of the remedies for Parcels 6, 7, and 8; Phase I (A, B, and C); and OU-1 are functioning as intended and are protective of human health and the environment.

However, the report stated that further actions are required regarding complete exposure pathways for vapor intrusion and per- and polyfluoroalkyl substances (PFASs) in order for the remedies to be protective in the long term.

7.2.2 Recommendations

The two recommendations from the 2016 five-year review are listed below. The current status of these recommendations is detailed in Section 11.0 and will be tracked in future IC assessments until they have been addressed:

1. It is recommended that an assessment of current site data be performed to evaluate if possible exposure pathways are or could be present that would result in potential exposure in existing and future buildings and structures at the Mound site as outlined in the OSWER Technical Guide. (EPA 2015). The assessment will prioritize areas with existing buildings and may include indoor air quality testing as well as sampling of subsurface vapors in or near existing buildings. If additional work is warranted, this assessment will include a proposal for additional work and associated schedule. If it is determined during this assessment that conditions exist that may pose a health risk to building occupants, the Mound Core Team will be contacted immediately, and a course of action will be developed.
2. It is recommended that the results of the PFAS research be presented, along with a written summary, to the Mound Core Team.

8.0 2017 Physical Inspections

8.1 Overview

LM personnel and Navarro Research and Engineering, Inc. (Navarro), Legacy Management Support (LMS) contractor to LM, conducted a preliminary physical inspection on March 21, 2017, and a physical walkdown with EPA, Ohio EPA, ODH, MDC, and the City of Miamisburg on April 20, 2017.

Section 8.2 describes the results of the preliminary inspections, and Section 8.3 describes the physical walkdown on April 20, 2017. Appendix A contains the completed IC checklist and associated documents.

There were no observations of noncompliance with the ICs in any ROD parcel for the Mound site. In particular, there was no evidence of unauthorized well installation, soil removal, or site activities inconsistent with industrial/commercial use within any ROD parcel.

8.2 Preliminary Physical Inspections

Preliminary inspections determine status of previous recommendations, look for violations of ICs (such as soil removal, well installation, and nonindustrial/noncommercial use), and review the physical conditions of groundwater monitoring wells and seeps. Other non-IC observations are documented in the IC Checklist included in Appendix A.

8.2.1 T Building Special IC Areas

8.2.1.1 Background

The physical inspections cover the areas within the T Building to which special ICs apply (i.e., Survey Units 1C-06, 1C-07, 1C-08, 1C-09, 1C-10, 1C-11, 1C-12, 1C-15, 1C-16, 1C-21, 1S-10, and SYS-02A/B/C, as shown in Figure C-1 in Appendix C). Survey Units are shown in red lettering, and room numbers are shown in black lettering.

The special ICs prohibit (1) the penetration of concrete in the areas covered with red concrete identified as 1C-10 and 1C-21 survey units and (2) the removal of concrete in other areas, unless there has been prior approval from EPA, Ohio EPA, and ODH.

8.2.1.2 Status of 2016 IC Assessment Recommendations

During last year's IC physical inspections on March 8 and April 7, inspectors observed several inches of water in rooms T-57 and T-58 and large wet areas east of the red concrete. Those special IC areas were still wet during the IC walkdown with the regulators on April 14, 2016. This problem also occurred in 2013 and 2014, when it was attributed to a malfunctioning sump pump in Room 99.

The 2016 IC assessment report recommended that MDC identify and remedy the source of the water and that LM determine if the water had caused migration of fixed contamination from under the red concrete. The following summarizes the recommendations and the actions taken.

Recommendation: Identify and remedy source of water in T Building special IC areas, and dry those areas.

When water was discovered in March 2016 in the IC areas, MDC's maintenance contractor from Turner Properties (Turner) found that the water was entering Room T-99 through the airshaft (SYS-02A/B/C) from the T Building West Head House. He further identified a failed sump pump, broken door, and missing lock on the door to the head house. Also, the sump pump in Room T-99 did not capture the water entering from the airshaft, allowing the water to flow into other areas through drain lines under the floor.

Actions to resolve: During the March 2016 inspection and the April 2016 IC walkdown, inspectors observed that Turner had installed a new sump pump that drained to the west of the Head House. In March 2017, inspectors observed that Turner had made repairs to the door and installed a lock. (Figure 4 and Figure 5)



Figure 4. Damaged Door to T Building West Head House, Year 2016 Inspection



Figure 5. Repaired Door During March 21, 2017 Inspection

The March 21, 2017, inspections of T Building special IC areas observed that all of the areas were dry as shown in Figure 6 through Figure 13.



Figure 6. 2017 Repaired Sump Pump in Room T-99



Figure 7. 2017 Gravel Area Along Wall in Room T-61



Figure 8. 2017 Sump Area in Room T-63



Figure 9. 2017 Sump Area in Room T-62



Figure 10. 2017 Room T-57



Figure 11. 2017 Room T-58



Figure 12. 2017 Bay Area East of the Red Concrete



Figure 13. 2017 Bay Area Gravel Areas

Recommendation: Determine if water that has passed under red concrete in the T Building IC area causes fixed contamination under the red concrete to migrate.

Actions to Resolve: Navarro conducted sampling of the areas using handheld radiological-detection equipment and swipe samples. The resulting June 9, 2016, report included in Appendix A concluded that the radioactive material remains fixed under the red concrete.

8.2.1.3 Condition of Sealed Cracks in the Red Concrete

Inspectors have noted cracks in the red concrete covering floors in the special IC areas of T Building since the 2011 annual IC assessment.

As discussed in the 2014 annual IC assessment report, LM conducted extensive document and records reviews and interviews with individual personnel with historical knowledge of the cleanup. LM concluded that the cracks are not a safety and health issue as long as the concrete remains structurally sound. However, as a best management practice, LM filled the cracks in February 2015 with ATC 100, which is a single-component, elastomeric sealant without free isocyanates or solvents (volatile organic compounds).

Appendix D contains the 2017 photographs of the sealed cracks in the previously tracked areas A–I. The filler appears to continue to be sealing the cracks. Appendix D also includes the product specification sheet for the filler.

8.2.2 Sitewide Observations

8.2.2.1 Pumping Station Construction on Benner Road

The City of Miamisburg contractor continued work on its pumping station located on City-owned property North of Benner Road formerly known as Parcel 4 (see Figure 14 and Figure 15). The Navarro IC assessor was advised that the City of Miamisburg was overseeing this work to ensure IC compliance.



Figure 14. Construction Continues on City of Miamisburg Pumping Station on Benner Road



Figure 15. Construction Activities for New Pumping Station

8.2.2.2 Signs Near Pond

Inspectors observed two signs, which state “Recreational Use Prohibited,” at the pond used for retaining and detaining storm-water runoff in the southwestern part of Parcel 4.

The signs are not an IC; however, the Mound Core Team agreed on the following position regarding the signage beginning with the 2011 annual IC assessment:

The second five-year review for the DOE Mound site recommended that the issue of adequate signage around the Parcel 4 retention basin be addressed by DOE, EPA, and Ohio EPA. Signs placed around the basin to inform area visitors that recreational use around the basin is prohibited have been damaged and removed on several occasions by members of the public.

After reconsidering the exposure assumptions that were used to develop the industrial commercial cleanup standards for the Mound site, DOE, EPA, and Ohio EPA have reached the conclusion that occasional visits to the retention pond by area residents will not result in an unacceptable risk to the visitors. Even so, DOE and the MDC will continue to monitor and discourage these unauthorized uses of the Parcel 4 retention basin area. No further action is required to assure protectiveness of human health or the environment.

8.2.2.3 Condition of Monitoring Wells

Two changes in Mound monitoring wells were found during the IC assessment. Offsite well 0138 had been vandalized and then repaired (Figure 16), and steps had been installed to improve access for samplers to well 0411 (Figure 17).



Figure 16. Repaired Offsite Well 0138



Figure 17. Installed Safety Stairs to Well 0411

8.2.3 Miscellaneous Site Items Noted During Assessment

The following site maintenance or other items of interest are not IC related and are included in this report for information only.

Debris in storm-water grate. Inspectors noted that debris was accumulating again in the storm-water grate east and upgradient of OU-1. It did not appear that the drain was clogged, which could cause overflow and erosion of roadway used to access monitoring wells. Cleaning debris that accumulates on this grate is considered a routine maintenance item to maintain proper function. Navarro reported this to MDC (Figure 18).

Trailer removed. LM sold and removed Trailer 1 in the OU-1 area (Figure 19).

Water in abandoned sump pump near T Building Room T-4. Inspectors noted this during the IC walkdown, and Navarro confirmed it in an email to Larry Kelly, EMCBC, and Eric Cluxton, MDC (Figure 20).

Water on floor under fire-suppression water valve in T Building. Inspectors noted this during the IC walkdown, and Navarro confirmed it in an email to Larry Kelly, EMCBC, and Eric Cluxton, MDC (Figure 21).

Railroad work offsite near western site boundary. Navarro reported observing a contractor, who was working for the railroad, in the area of the former rail spur in May 2016. The Navarro employee advised the contractor to contact MDC. MDC then gave them permission to stage some of the construction equipment temporarily onsite near the former rail spur area. The contractor's work cleared areas west of the Mound fence.

Figure 22 shows the contractor's equipment staged on the Mound property near the old rail spur at the western boundary.

Theft of tools from LM SeaLand container: Navarro reported that thieves had broken into a SeaLand container near trailer in the OU-1 area and stolen equipment.



Figure 18. Debris in Storm-Water Drain Upgradient of OU-1



Figure 19. OU-1 Area. Former Location of LM Trailer Removed Since Last IC Assessment



Figure 20. Water in a Sump Pump Area Outside Room T-4



Figure 21. Water on Floor Near Fire Suppression Water Valve Room T-1A



Figure 22. Railroad Contractor's Equipment Parked Onsite in Rail Spur Area at Western Site Boundary

8.3 Physical Walkdown with Regulators

The walkdown for the annual IC assessment with the regulators and stakeholders occurred on April 20, 2017. Participants in the IC assessment presentation and walkdown led by Sue Smiley, LM Mound site manager, and Brian Zimmerman, LM site manager, included (see Figure 23 for selected walkdown participant photos):

- Anthony Campbell, Ohio EPA, Environmental Specialist II-Site Coordinator
- Rebecca Cato, Navarro, Project Hydrogeologist/Environmental Services Lead
- Eric Cluxton, MDC, President
- Shannon Dettmer, ODH, Senior Health Physicist
- Chuck Friedman, Navarro, Environmental Compliance
- Lorrie Huber, MDC, Administrative Assistant (presentation only)
- Melissa Lutz, Navarro, Mound Team Leader
- Joyce Massie, Navarro Project Support (subcontractor)
- David Seely, EPA, Remedial Project Manager
- Sue Smiley, LM, Mound Site Manager
- Ellen Stanifer, City of Miamisburg (presentation only)
- Gary Weidenbach, Navarro, Operations Manager
- Brian Zimmerman, LM, Site Manager



Figure 23. 2017 IC Walkdown Outside T Building (l-r) Anthony Campbell, Melissa Lutz, Brian Nickel, Shannon Dettmer, Brian Zimmerman, Eric Cluxton, Sue Smiley, David Seely, Chuck Friedman, Gary Weidenbach

Sue Smiley, LM Mound site manager, began the walkdown at the MDC office with a presentation that defined the scope of the annual assessment and presented the results of the preliminary inspections (Figure 24 and Figure 25).

The presentation is included in Appendix A. Participants were given a safety briefing, a copy of the presentation, and the draft IC checklist for the walkdown. There were no comments from participants added to the IC checklist.



Figure 24. Attendees at 2017 IC Walkdown Presentation



Figure 25. Attendees at IC Walkdown Presentation

The walkdown included a van tour of the site with stops at the T Building special IC areas, the RCRA Burn Area, and OU-1 area. The participants were also shown the locations of nearby City of Miamisburg sewer and water projects.

Participants observed that the Special IC areas of T Building were dry (Figure 26 and Figure 27). Two building maintenance items noted in Section 8.2.3 above were also observed and noted by MDC.



Figure 26. David Seely, EPA, and Shannon Dettmer, ODH, Near the Red Concrete Area

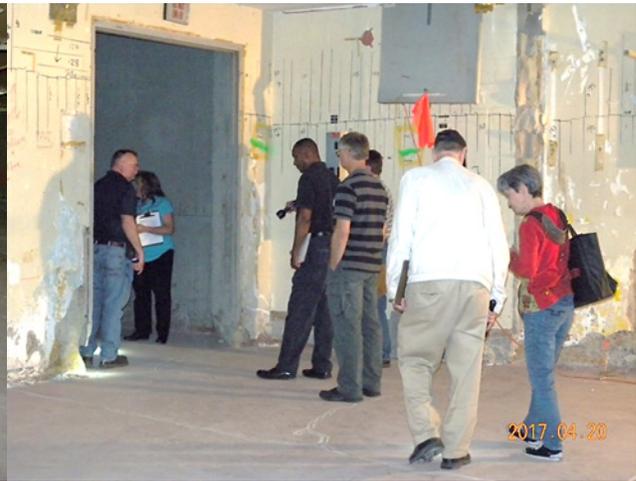


Figure 27. IC Walkdown Participants Observing the Cracks in the Red Concrete in T Building

There were no IC issues relating to the RCRA Burn Area (Figure 28 and Figure 29) or OU-1. One of the LM trailers had been removed and sold (Figure 30 and Figure 31).



Figure 28. Anthony Campbell, Ohio EPA, and Chuck Friedman, Navarro, at the RCRA Burn Area



Figure 29. IC Walkdown Participants at the RCRA Burn Area



Figure 30. OU-1 Parking Area



Figure 31. Remaining LM Trailer at the OU-1 Area

9.0 Interviews and Record Reviews

9.1 Interviews with Property Owners

9.1.1 Mound Site Landowners - Institutional Control Compliance Form

Sue Smiley, LM Mound site manager, Brian Zimmerman, LM site manager, and Joyce Massie, Navarro LMS Team, met with each property owner on April 11, 2017, to review the ICs and the property owners' responsibilities.

During those meetings, Ms. Smiley reviewed the Mound ICs and provided the *Mound Site Landowners - Institutional Control Compliance Form* for the property owners to complete and return. The signed forms are included in Appendix A.

9.1.2 City of Miamisburg

LM and Navarro met with City of Miamisburg staff, including Chris Fine, development director, and Ryan Homs, city planner.

Discussions centered on the ICs, reviewing their purpose and the legal requirements, emphasizing their importance, and maintaining the institutional awareness of ICs within the City. LM reminded the City of Miamisburg about the requirement for notifying Ohio EPA when ownership of property transfers.

LM and the City also discussed ways to maintain IC compliance in the future with properties being sold and not under MDC oversight. The City is considering a zoning district specific to the site to limit types of businesses allowed, which could add another layer of protection for IC compliance.

9.1.3 MDC, Sharpstone Property Investments LLC (GoKeyless), and Dyrdek (Alien Workshop)

LM and Navarro met with Eric Cluxton, MDC president, and Lorrie Huber, MDC Administrative Services manager; Josh Stamps, GoKeyless; and Mike Hill, Alien Workshop.

Discussions centered on the ICs, reviewing their purpose and the legal requirements, emphasizing their importance, and maintaining the institutional awareness of ICs. LM reminded them about the requirement for notifying Ohio EPA when ownership of property transfers.

Navarro asked MDC to review wording in Section 9.2.2 in the 2016 Annual IC Assessment Report and advise if the oversight process described in that section had changed. In an April 7, 2017, email, Eric Cluxton, MDC, responded that no changes were needed to the oversight process language.

9.2 Records Reviews

9.2.1 City of Miamisburg

In addition to the physical inspections for the annual assessment, LM reviews permit information from the City of Miamisburg to identify items that could involve compliance with ICs. Information includes construction, street opening, occupancy, or other permits; zoning modification requests; and City Planning Commission requests.

LM contractor personnel requested that the City of Miamisburg Engineering Department query their computer tracking system for permits and any city approvals (zoning, etc.) issued for other activities such as parking lots or road construction from April 1, 2016, to March 31, 2017. Areas of interest were all addresses on Capstone Drive, Vanguard Boulevard, Enterprise Court, Vantage Point, Mound Road (between building address numbers 885 and 1195), and Benner Road (between 799 Benner Road and Dayton-Cincinnati Road, on the odd-numbered side of street). The City provided the information in Table 3.

Table 3. City of Miamisburg Permit Files for Mound Site (April 1, 2016, to March 31, 2017)

Permit No.	Type	Date	Site Address
32117	building permit	10/12/2016	955 Mound Rd
32213	sign permit	10/31/2016	955 Mound Rd
32263	sign permit	11/14/2016	1075 Mound Rd
32429	street opening permit (sidewalk repair)	2/9/2017	1100 Vanguard Blvd
31125	electrical permit	4/26/2016	460 Vantage Point
31169	building permit	4/28/2016	460 Vantage Point

The City did not identify any site work that required review by the City Planning Commission or Engineering Department.

Since City permits are filed according to address, MDC or subsequent property owners must inform LM of changes to street names or building addresses associated with the 1998 Mound Plant property boundary; this facilitates LM’s ability to review permits issued by the city or City Planning Commission documents.

In general, the permit-review process demonstrated that the City of Miamisburg’s recordkeeping system is adequate to allow LM to identify site activities that could affect IC compliance.

Table 4 shows detailed information for site buildings, and Figure 32 shows the location of all remaining site buildings. Table 5 lists the buildings demolished by MDC.

9.2.2 MDC

MDC and all future property owners must ensure that contractors performing work (e.g., landscaping, utility work that involves excavation or construction) comply with the ICs. MDC, who manages maintenance for all areas owned by MDC, the City of Miamisburg, and the EMCBC, provides a preconstruction package that includes a description of the ICs, and MDC includes the following language in the “Technical Requirements” section of its requests for proposal and subsequent work orders: “Excavated soils must be managed and remain on MDC property. Soils from excavation shall be placed at an on-site location, as directed by MDC.” Navarro asked MDC to review and advise if the oversight process described in Section 9.2.2 of the 2016 IC assessment report had changed. In an April 7, 2017, email, Eric Cluxton, MDC, responded that he saw no reason to change this oversight process language.

MDC monitors the vendor’s work and conformance with technical requirements. MDC also provides the vendor with a real-estate easement that includes detailed information on the ICs. Appendix E shows an example of a real-estate easement used for utility work that is registered with Montgomery County.

MDC’s *Comprehensive Reuse Plan Update* (MMCIC 2003a) is available in the CERCLA Reading Room and online at <https://www.lm.doe.gov/mound/Sites.aspx>. To coordinate the movement of soil on the site, the Comprehensive Reuse Plan (CRP) included a sitewide soil-grading plan. The CRP was incorporated into the City of Miamisburg’s comprehensive plan, which is the basis for property zoning within the city limits.

Table 4. Mound Site Building Identifications, Street Addresses, Ownership, County Parcels

DOE Building ID	DOE Building Descriptions	Building Identifier	Current Miamisburg Street Address	DOE ROD Parcel ID	Property Owner	County Parcel ID
45	Health Physics Calibration Facility	Empty, white laboratory building	930 Capstone Drive	6	EMCBC	K46 00334 0021
61	Logistical Support Warehouse	Empty, warehouse and shipping	885 Mound Road	7	EMCBC	K46 00501 0016
3	Test fire (TF) area Destructive and Environmental Testing Laboratory	Excelitas Technologies Corp	1100 Vanguard Blvd.	IB	MDC	K46 01507 0032
87	Explosive Testing Building					

Table 4. Mound Site Building Identifications, Street Addresses, Ownership, County Parcels (continued)

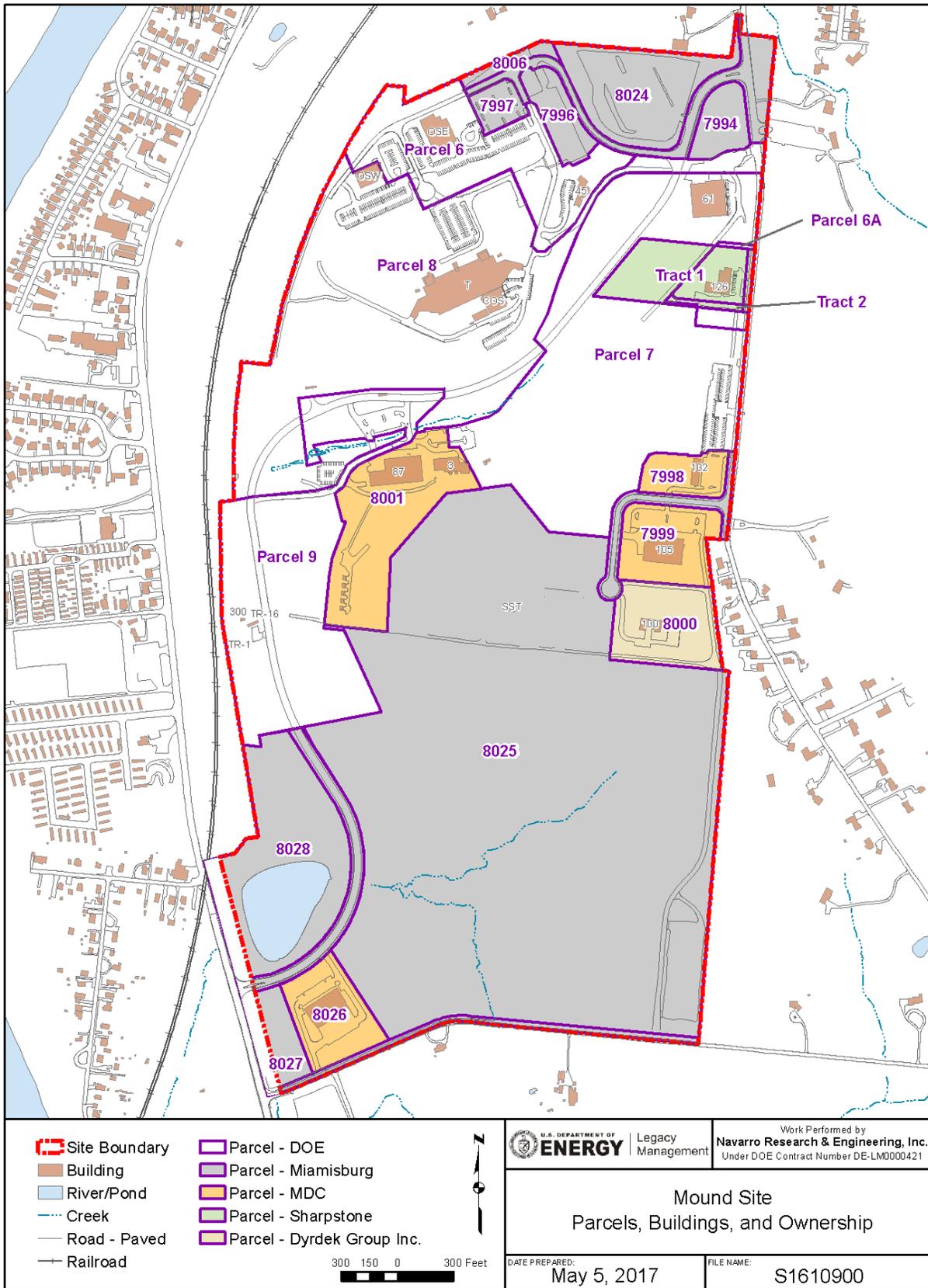
DOE Building ID	DOE Building Descriptions	Building Identifier	Current Miamisburg Street Address	DOE ROD Parcel ID	Property Owner	County Parcel ID
100	Training and Offices	Dyrdek	790 Enterprise Court	D	Dyrdek	K46 01507 0031
102	Offices, Process Support Building	Mound Science and Energy Museum	1075 Mound Road	IA	City	K46 01507 0029
105	Parts Machining	The Woodworking Shop LLC	1195 Mound Road	D	MDC	K46 01507 0030
126	Power Systems Technologies [PST] Administrative Building	GoKeyless (Sharpstone Investment Properties LLC)	955 Mound Road	(6A & 7) Tracts 1 and 2	BOI	K46 00501 0017 K46 00501 0018
COS	Central Operational Support	MDC, Excelitas, Mound Technical Solutions, Precision Joining Technologies, West Rock, Technology Group, LLC	965 Capstone Drive	8	EMCBC	K46 00503 0013
OSE	Operational Support East	Empty, has auditorium, large open first floor	480 Vantage Point	6	EMCBC	K46 00334 0021
OSW	Operational Support West	Montgomery County Consolidated Dispatch Center (911 Center)	460 Vantage Point	8	EMCBC	K46 00503 0013
T	Technical Building	Empty, underground, original	945 Capstone Drive	8	EMCBC	K46 00503 0013
80–84	Magazines	Used by Excelitas, east of OU-1	None	IB	MDC	K46 01507 0032
SST	Salt storage structure in former RCRA burn area	Empty	None	IB	City	K46 01507 0039
1 and 16	Trailers	LM area in OU-1	1275 Vanguard Blvd.	9	EMCBC; LM	K46 01109 0001
300	Building					
n/a	MDC Flex Building		1390 Vanguard Blvd.	4	MDC	K46 01507 0040
			1388 Vanguard Blvd. (lighting)	4	MDC	K46 01507 0040
		Beam Dental	1384 Vanguard Blvd.	4	MDC	K46 01507 0040
			1380 Vanguard Blvd.	4	MDC	K46 01507 0040
			1374 Vanguard Blvd.	4	MDC	K46 01507 0040
		Barge, Waggoner, Sumner and Cannon	1370 Vanguard Blvd.	4	MDC	K46 01507 0040
	Pond at SW entrance of Vanguard Blvd.	Pond area				City
SW corner of site	Includes Mound Business Park sign				City	K46 01507 0041

Abbreviation:
City = City of Miamisburg

Table 5. Mound Site Buildings Demolished by MDC

DOE Building ID	DOE Building Descriptions	Building Identifier	Date Demolished	DOE ROD Parcel ID
2	Energetic Materials Destructive Testing Facility	In Test Fire (TF) area	2011	7
28	Ceramic Production Plastics Development	Former ceramics lab	2013	6
63 and 63W	Surveillance Facility	In TF area	2011	7
GP1	Guard Post-1	In TF area	2006	3
GH	Guard House	Original building, Old Visitor Control, Placement Center	2013	3

Abbreviation:
TF = Test Fire



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Figure 32. Mound Site Parcels, Buildings, and Ownership

MDC plans to plat the entire DOE Mound site property. In order to receive financing (i.e., for new construction) on land parcels that make up the original DOE Mound site property, MDC will record a lot split with the Montgomery County Recorder's Office. If MDC does not require financing for property improvements, it is not required to immediately record a Miamisburg Planning Commission-approved lot split with the County. However, MDC must record the changes with Montgomery County when it sells the property. The recorded real-estate documentation would include the ICs in the original quitclaim deed and the CERCLA 102(h) ES associated with the original parcel to ensure that future property owners are aware of their responsibility to comply with the ICs.

9.2.3 Ohio Department of Natural Resources Well Log Registry

LM continued to maintain the crosswalk of DOE well numbers and the corresponding ODNR identification numbers. This table is a reference in the LTS&M Plan (DOE 2015b) for future IC assessments to search the ODNR website for new wells drilled onsite. The table contains all the information that is currently available, but information on some of the older wells was not located.

9.2.4 Montgomery County Property Records

LM reviewed the current Montgomery County property records and updated the Appendix B table that contains lot numbers, ownership, addresses, and other data to track ownership. This table will be updated annually.

There were two changes in property ownership noted during this assessment. The City of Miamisburg transferred 1075 Mound Road that contained the Mound Museum back to MDC, and BOI Solutions Inc. sold 955 Mound Road to Sharpstone Investment Properties LLC. MDC notified the regulators of these transfers in correspondence included in Appendix A.

9.2.4.1 City of Miamisburg Transferred Parcel to MDC to Lease to Dayton History

The City of Miamisburg transferred Parcel K46 0157 0029 containing Building 102 at 1075 Mound Road back to MDC on September 7, 2016. MDC now leases that building to Dayton History. MDC notified Ohio EPA of that transfer on September 21.

9.2.4.2 BOI Solutions Inc. Sold Parcel to Sharpstone Investment Properties LLC

BOI Solutions Inc. sold Parcels K46 00501 0017 and 0018 to Sharpstone Investment Properties LLC on December 20, 2016. This property located at 955 Mound Road contains the former Building 126. MDC notified Ohio EPA on January 4, 2017, of the sale.

9.2.5 Current Property and Lease Agreement Status

9.2.5.1 Sales Agreement Between EMCBC and MDC for Parcels 6–9 Remains Deferred

In January 1998, EM executed the original site sales agreement with MDC. The agreement called for the transfer of discrete land parcels to MDC, via quitclaim deeds, after all requirements of CERCLA 120(h) for property transfer were met.

The sales agreement was replaced in 2008 with the *Sales Contract by and between the United States Department of Energy and the Miamisburg Mound Community Improvement Corporation, August 28, 2008* (DOE 2008).

The sales agreement was amended on November 30, 2012, with the *Amendment to Sales Contract dated August 28, 2008, between the U.S. Department of Energy and Mound Development Corporation (Previously The Miamisburg Mound Community Corporation)* (DOE 2012b). Under this agreement, EMCBC allows MDC to defer acceptance of all remaining parcels for up to five (5) years, until September 30, 2017.

9.2.5.2 General Purpose Lease Between EMCBC and MDC for Parcels 6–9 Remains in Place

During the deferral of property transfer, EMCBC leases Parcels 6–9 on the Mound site in its entirety to MDC. On December 14, 2012, EMCBC signed a 5-year lease amendment, *U.S. Department of Energy Amendment Number 24 to the General Purpose Lease* (DOE 2012c), with MDC. The lease stated that EMCBC retains ownership of Parcels 6–9 and MDC is responsible for maintenance and management of all buildings and facilities within Parcels 6–9.

In 2013, the EMCBC and MDC signed an Appendix No. 1 to the General Purpose Lease (DOE 2013) that formalized the requirement to adhere to the ICs during the lease period.

9.2.5.3 MDC and City of Miamisburg Property Ownership and Agreements Remain in Place

MDC owns approximately 19.5785 acres, and the City of Miamisburg owns approximately 144.0514 acres. The City of Miamisburg passed Ordinance 6393 on April 16, 2013, including a Transfer Agreement that stated, “The City and MDC will each have the right to access the property as necessary for their own interests but the City agrees to adopt rules as needed to prohibit the use of the property by the public generally.”

10.0 Conclusions

The ICs for the Mound site continue to function as designed. Adequate oversight mechanisms appear to be in place to identify possible violations of ICs, and adequate resources are available to correct or mitigate any problems if violations occur.

11.0 Recommendations

Table 6 lists recommendations from previous inspections and the status of those recommendations. Table 7 lists new recommendations from the 2017 inspection.

Table 6. Status of Issues from Previous IC Assessments and 2016 CERCLA Five-Year Review

Origin	Issue/ Recommendation	Responsible	Corrected or Current Status
2015 Annual IC Assessment Report (DOE 2015d)	Core Team discuss and recommend how the road and right-of-way acreage within the 1998 site boundary should be handled with regard to property ownership and IC compliance.	Core Team	In process. City of Miamisburg may create a zoning overlay district to control.
2016 Annual IC Assessment Report (DOE 2016a)	Send notification of property ownership transfer of Parcel K46 01507 0030 from the City of Miamisburg to MDC, to Ohio EPA, per requirements of quitclaim deed.	City of Miamisburg	Complete. MDC August 23, 2016 letter. in Appendix A.
	Revise the legal descriptions for City-owned parcels K46 01507 0041 and K46 01507 0042, to define areas that were not part of the original Mound site boundary and are, therefore, not covered by ICs.	MDC/City	In process. City of Miamisburg may create a zoning overlay district to control.
	Clarify that onsite roadways transferred to the City of Miamisburg remain covered by the site ICs. Consider issuing a City procedure that will ensure any repairs of the roads or adjacent utility corridors within the right-of-way comply with the ICs.	MDC/City	In process. City of Miamisburg may create a zoning overlay district to control.
	Clarify that the two areas in Phase I and BOI Tract 2 to the center line of Mound Road are excepted from the soil-removal IC.	EM/MDC/City	In process. EM provided a draft release form to add the exception
	Determine if water that has passed under red concrete in the T Building IC area causes fixed contamination under the red concrete to migrate.	LM	Complete. No migration. See report in Appendix A.
	Identify and remedy source of water in T Building special IC areas, and dry those areas.	MDC	Complete. Sump pump failure on West Head House. Replaced pump; dried areas.
2016 FYR Report (DOE 2016b)	It is recommended that an assessment of current site data be performed to evaluate if possible exposure pathways are or could be present that would result in potential exposure in existing and future buildings and structures at the Mound site as outlined in the OSWER Technical Guide. The assessment will prioritize areas with existing buildings and may include indoor air quality testing as well as sampling of subsurface vapors in or near existing buildings. If additional work is warranted, this assessment will include a proposal for additional work and associated schedule. If it is determined during this assessment that conditions exist that may pose a health risk to building occupants, the Mound Core Team will be contacted immediately, and a course of action will be developed.	LM	In process
	It is recommended that the results of the PFAS research be presented, along with a written summary, to the Mound Core Team.	LM	Completed

Table 7. Recommendations from 2017 Annual Inspection for ICs

Number	Issue/Recommendation	Responsible
	None	

12.0 Contact Information

For further information on the content of this annual IC assessment report or the DOE Mound site property in general, contact:

Sue Smiley
LM Mound Site Manager
U.S. Department of Energy
Office of Legacy Management
10995 Hamilton-Cleves Highway
Harrison, OH 45030-9728
(513) 648-3333
Email: sue.smiley@lm.doe.gov
Alternate email: mound@lm.doe.gov

For further information on the regulatory guidelines that govern the CERCLA 120(h) process for property transfer of DOE Mound site property, contact:

David Seely
Remedial Project Manager
U.S. Environmental Protection Agency
77 W. Jackson Boulevard
Chicago, IL 60604-3590
(312) 886-7058
Email: david.seely@epa.gov

-or-

Brian Nickel
Remedial Project Manager
Ohio Environmental Protection Agency
401 E. Fifth Street
Dayton, OH 45402-2911
(937) 285-6468
Email: brian.nickel@epa.ohio.gov

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EPA (U.S. Environmental Protection Agency), 2005. *Institutional Controls: A Citizen's Guide to Understanding Institutional Controls at Superfund, Brownfields, Federal Facilities, Underground Storage Tank, and Resource Conservation and Recovery Act Cleanups*, OSWER 9255.0-98, EPA-540-R-04-004, February, available online at https://www.epa.gov/sites/production/files/documents/ic_ctzns_guide.pdf, accessed April 29, 2016.

EPA (U.S. Environmental Protection Agency), 2015. *OSWER Technical Guide For Assessing and Mitigating the Vapor Intrusion Pathway from Subsurface Vapor Sources to Indoor Air* (2015), OSWER Publication 9200.2-154.

MMCIC (Miamisburg Mound Community Improvement Corporation, now MDC), 2003a. *Comprehensive Reuse Plan Update*, December 31.

Appendix A

Annual Assessment Checklist with Supporting Documents

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Contents

1. IC Assessment Checklist
2. IC Assessment walkdown attendance sheet
3. IC Assessment walkdown presentation
4. Ohio EPA letter to Gwen Hooten, DOE LM, “U.S. DOE Mound Plant Burn Area Closure and Annual RCRA Institutional Control Inspection,” April 19, 2016
5. Notifications of property transfers for 1195, 1075, and 995 Mound Road
6. Mound Site Landowners IC Compliance Forms
 - a. City of Miamisburg
 - b. Mound Development Corporation
 - c. Dyrdek Corporation represented by Alien Workshop
 - d. Sharpstone Investment Properties LLC represented by GoKeyless
7. Navarro June 9, 2016, letter, “Water in T-Building at the Mound, Ohio, Site –Date of Observation: April 7, 2016” with attached report of analysis of water

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Mound, Ohio, Site (Mound Site)
2017 LM Institutional Controls (ICs) Compliance Assessment Checklist
Checklist summarizes information from all inspections

Preliminary inspections by Navarro performed on: [March 22, 2017](#)

Physical inspection walkdown with regulators on: [April 20, 2017](#)

Review and walkdown led by: [Sue Smiley and Brian Zimmerman, DOE LM](#)

Participants in physical inspection walkdown: [See attached attendance sheet](#)

Status of any outstanding issues or recommendations from previous annual IC assessment reports, follow-up inspections, five-year reviews, etc.:

Origin	Issue/ Recommendation	Corrected?	Responsible/Current Status 2017
2015 Annual IC Assessment	Core Team will discuss and recommend how the road and right-of-way acreage within the 1998 site boundary should be handled with regard to property ownership and IC compliance.	Complete	LM presented details and discussed all acreage issues with the Core Team, MDC, and the City of Miamisburg. MDC contracted Barge Waggoner Sumner and Cannon to explain and reconcile the acreage discrepancy. EPA, Ohio EPA, and ODH agreed that the 0.0012 acres discrepancy was acceptable.
2016 Annual IC Assessment	Send notification of property ownership transfer of Parcel K46 01507 0030 from the City of Miamisburg to MDC, to Ohio EPA, per requirements. (Bldg. 105)	Yes	MDC sent an email to Ohio EPA on 8/23/2016.
	Revise the legal descriptions for City-owned parcels K46 01507 0041 and K46 01507 0042, to define areas that were not part of the original Mound site boundary and are, therefore, not covered by ICs.	In process	City of Miamisburg, relates to both recommendations: LM discussed with MDC/City on 10/19/2016 and 4/11/2017. The City Development director advised DOE on 4/11/2017 that the City may designate the Mound site property as a special zoning district to control the types of development on the site, patterned after the City's "AO Austin Center Overlay District."
	Clarify that onsite roadways transferred to the City of Miamisburg remain covered by the site ICs. Consider issuing a City procedure that will ensure any repairs of the roads or adjacent utility corridors within the right-of-way comply with the ICs.	In process	Will require a special City ordinance, review by affected property owners, and City Council approval. Would add another level of protection to assist with IC compliance.
	Clarify that the two areas in Phase 1 and BOI Tract 2 to the center line of Mound Road are excepted from the soil-removal IC.	In process	EMCBC and LM provided draft Release Document to EPA and Ohio EPA on 2/26/2017. Graphic to ODH on 3/21/2017 and to Ohio EPA 4/13/2017. Requires signature of current property owners.
	Determine if water that has passed under red concrete in the T Building IC area causes fixed contamination under the red concrete to migrate.	Yes	LM/Navarro conducted sampling. Results issued in a report and discussed in June 2016 Federal Facilities Agreement meeting. No migration noted. Results included in Appendix A of 2017 IC report.
	Identify and remedy source of water in T Building special IC areas, and dry those areas.	Yes	MDC/Turner Properties located source in West Head House. Installed a new sump pump. Dried areas.

Number	Other Observations from 2016 IC Assessment (not ICs)	Responsible/Status 2017
1	Update OSW Building drawings to include modifications for emergency generator.	MDC–Open
2	Update site utility drawings to include underground fiber optic cable.	MDC/LM–Open
3	Repair door on T Building West Head House.	MDC–Completed
4	Identify Mound Road frontage areas in Parcels 8 and 7 that are excepted from soil-removal IC restrictions in the quitclaim deed when those parcels transfer to MDC.	EM–In process

Describe major physical property changes since the previous IC assessment. (Buildings demolished or erected, extensive landscaping, roads or parking lots constructed or modified, and so on?)

- Construction continued on the City of Miamisburg pumping station on Benner Road (Parcel 4).

Mound, Ohio, Site (Mound Site)
2017 LM Institutional Controls (ICs) Compliance Assessment Checklist
Checklist summarizes information from all inspections

List individuals involved with the physical inspections or document reviews and those interviewed as property owners.

- Sue Smiley and Brian Zimmerman, LM, accompanied by Joyce Massie, Navarro LMS Team, met with the property owners including Eric Cluxton and Lorrie Huber, MDC; Chris Fine and Ryan Homs, City of Miamisburg; Josh Stamps, GoKeyless; and Mike Hill, Alien Workshop for Dyrdek Group. Reviewed the institutional controls with each property owner. Gave each the *Mound Site Landowners - Institutional Control Compliance Form* to complete, sign, and return. See Appendix A for signed forms.
- Sharon Long, Engineering Department, City of Miamisburg, emailed a listing of the building permits.
- Melissa Lutz, Navarro, provided managerial and logistics support and participated in records reviews and the IC walkdown.
- Joyce Massie, Navarro LMS Team, conducted inspections, took photos, compiled and analyzed the inspection information, assembled the walkdown presentation, and wrote and coordinated reviews of the IC Report.
- Gary Weidenbach, Navarro, assisted with the physical inspection on March 21 and the IC walkdown on April 20 and furnished information about activities observed during the review period.
- Roy Mowen, Navarro, assisted with the T Building inspection on March 21 and furnished information about activities observed during the review period.
- Doug Boggs, Turner Properties maintenance person, assisted with the T Building inspection on March 21.
- Chuck Friedman and Becky Cato, Navarro, participated in the IC walkdown on April 20.
- Sue Smiley and Brian Zimmerman, LM; David Seely, EPA; Brian Nickel and Anthony Campbell, Ohio EPA; and Shannon Dettmer, ODH, and Eric Cluxton, MDC, participated in the IC walkdown on April 20.

List site use requests for site activities not covered by industrial/commercial use. Include copies of requests and regulators' responses in IC report.

- None.

Mound, Ohio, Site (Mound Site)
2017 LM Institutional Controls (ICs) Compliance Assessment Checklist
Checklist summarizes information from all inspections

List the city, township, county, and state records reviewed for the period of the review. e.g., street opening permits or construction permits, engineering drawings for improvements to property, aerial photographs, maps, City Planning Commission requests, and Ohio Department of Natural Resources (ODNR) well logs.

- City of Miamisburg building permit list

permit#	permit type	permit date	Address Street	IC Inspector notes
32117	BUILDING PERMIT	10/12/2016	955 MOUND RD	GoKeyless
32213	SIGN PERMIT	10/31/2016	955 MOUND RD	
32263	SIGN PERMIT	11/14/2016	1075 MOUND RD	MSEM Bldg.
32429	STREET OPENING PERMIT	2/9/2017	1100 VANGUARD BLVD	Excelitas Sidewalk repair
31125	ELECTRICAL PERMIT	4/26/2016	460 VANTAGE POINT	
31169	BUILDING PERMIT	4/28/2016	460 VANTAGE POINT	

- City of Miamisburg Engineering Department permit summary
 - ODNR well log web page
 - Montgomery County property records
- On the basis of the review of documents and interviews, were property improvements covered by the appropriate approvals? (For example, were construction permits approved by the City of Miamisburg?)**

- Navarro asked MDC to review Section 9.2.2 in the 2016 Annual IC Assessment Report and to advise if the oversight process described in that section had changed. Was work still run through MDC for initial approval signoff, and does MDC ensure that the proper language is included on all work orders? Eric Cluxton responded in a 4/7/17 email, “I see no reason to change the language in section 9.2.2.”
- GoKeyless and Alien Workshop (Dyrdek Group) manage activities on their properties.

Based on the review of MDC Reuse Plan Update, Miamisburg Zoning Map, and Miamisburg Land Use Plan, were any changes made to those documents that affect IC compliance?

No changes.

List any other relevant official documents and describe any changes initiated during the review period that affect IC compliance or the IC assessment requirements.

LM is updating the O&M, LTS&M, and CIP plans, and drafts are in review. No changes affect IC compliance.

List the property ownership changes. List the legal property documents reviewed to determine if ownership had changed (e.g., quitclaim deeds, environmental covenants, county property records).

Reviewed property records on the Montgomery County Auditor’s website, <http://www.mcrealestate.org/Main/Home.aspx>. Updated the property information table in Appendix B to include current information.

- BOI Solutions Inc. sold parcels K46 00501 0017 and K46 00501 0018 at 955 Mound Road (the former Building 126) to Sharpstone Investment Properties LLC. GoKeyless is now operating in this building.
- The City transferred ownership of Parcel ID K46 01507 0029 at 1075 Mound Road (the former Building 102) back to MDC. MDC leased the property to Dayton History.

Mound, Ohio, Site (Mound Site)
2017 LM Institutional Controls (ICs) Compliance Assessment Checklist
Checklist summarizes information from all inspections

If property ownership changed, were the requirements for IC compliance included in the legal documents filed with Montgomery County? Was Ohio EPA notified of the property transfer as required in the quitclaim deed?

- General Warranty Deed 2016-00071750 from BOI Solutions Inc. to Sharpstone Investment Properties LLC was recorded 12/21/2016. Deed stated, “Subject to all easements, conditions, restrictions and limitations of record and all legal highways, and excepting from the warranty hereof taxes and assessments due and payable June, 1017, and thereafter.” It did not reference ICs or Environmental Covenant directly.
- Quit Claim Deed 16-00049911 from the City of Miamisburg to MDC was recorded 9/13/2016. Deed stated, “THE INTEREST CONVEYED HEREBY IS SUBJECT TO COVENANTS AND RESTRICTIONS FOUND IN THE DEED FROM THE UNITED STATES OF AMERICA TO MIAMISBURG MOUND COMMUNITY IMPROVEMENT CORPORATION RECORDED AS INSTRUMENT NO. 09-01 1643 OF THE DEED RECORDS OF THE MONTGOMERY COUNTY, OHIO.”
- MDC notified Ohio EPA of both parcel transfers. Notifications are included in Appendix A of this IC report.

Provide detail on any other issues identified during this assessment.

None identified.

Were there any reported issues relating to access by DOE, EPA, Ohio EPA, ODH, their agents, contractors, or employees to property to implement or enforce the ICs?

No.

Observations during physical inspections:

- **Evidence of unauthorized soil removal?**

No.

- **Evidence of unauthorized groundwater use?**

No.

- **Evidence of land use other than “industrial” (e.g., residential)?**

No.

- **Signage/markers in good repair (if applicable)?**

There were two signs in the pond area. These signs are not ICs.

- **Evidence of tampering on the groundwater monitoring wells? (Well maintenance is not an IC.)**

Navarro reported one instance of tampering with a groundwater monitoring well. Well 0138 located offsite near the City’s Skate Park was vandalized before the October 2016 sampling.

Navarro advised that they secured the well, installed a Procover and lock, inspected the well with a camera, and redeveloped the well before the January sampling. It was observed that Navarro had installed a wooden stairway to allow safer access to well 0411.

- **Is OU-1 pump-and-treatment (P&T) system functioning as designed and in good repair?**

The P&T system remains in standby mode during the enhanced attenuation demonstration. Navarro advised they conduct a monthly system standby mode inspection according to the P&T maintenance procedure manual checklist.

Mound, Ohio, Site (Mound Site)
2017 LM Institutional Controls (ICs) Compliance Assessment Checklist
Checklist summarizes information from all inspections

- **T Building only - areas with additional institutional controls:**
Have ICs been followed? See O&M Plan, Appendix B, T Building Special ICs Core Team Agreement and Position Paper, and Floor Plan Figure.

There was no water visible on the floors or gravel areas in the special IC areas of T Building during the March 21 inspection.

There were no wet areas in adjoining areas including Room T-99 and the hallways and sumps.

Turner had replaced sump pump in west head house and drained the new pump outside with a PVC pipe. IC inspectors did not enter the head house to verify sump operation but were advised by MDC that it was functioning.

There were no wet areas in the special IC rooms during the April 20 walkdown. However, one sump area near Room 4 was almost full of water. Gary Weidenbach, Navarro, confirmed this observation in an April 25, 2017, email to MDC and Larry Kelly, EMCBC.

Based on physical inspections, records reviews, questionnaires, and interviews, was there evidence of IC noncompliance?
 No.

Non-IC related items of interest noted during review or physical walkdown.

Railroad work offsite near western site boundary. Navarro reported observing a contractor, who was working for the railroad, in the area of the former rail spur in May 2016. The Navarro employee advised the contractor to contact MDC. MDC then gave them permission to stage some of the construction equipment temporarily onsite near the former rail spur area. The contractor's work cleared areas west of the Mound fence. LM reported the activity to EM.

Trailer removed. LM sold and removed Trailer 1 in the OU-1 area.

Debris in storm-water grate. Inspectors noted that debris was accumulating again in the storm-water grate east and upgradient of OU-1. It did not appear that the drain was clogged, which could cause overflow and erosion of roadway used to access monitoring wells. Cleaning debris that accumulates on this grate is considered a routine maintenance item to maintain proper function. Navarro reported this to MDC.

Sump pump near T Building Room 4 was full of water. Inspectors noted this during the IC walkdown, and Navarro confirmed it in an email to Larry Kelly, EM, and Eric Cluxton, MDC.

Theft of tools from LM SeaLand container: Navarro reported that thieves had broken into a seal and container near Trailer X in the OU-1 area and stolen equipment.

Recommendations from 2017 preliminary physical IC inspections or records reviews:
 No IC-related recommendations.

Recommendations from participants in the April 20, 2017, physical walkdown with regulators:
 None.

Conclusion/comments:
 The ICs for the Mound site continue to function as designed. Adequate oversight mechanisms appear to be in place to identify possible violations of ICs, and adequate resources are available to correct or mitigate any problems if violations occur.

ATTENDANCE SHEET
Mound Site FFA and Core Team Meeting
April 20, 2017

INITIAL		NAME	ORGANIZATION	TELEPHONE
FFA	IC Walkdown (or presentation)			
A.T.C.	A.T.C.	Campbell, Anthony	Ohio EPA	937-285-6069
BC	BC	Cato, Becky	Navarro	636-300-2638
EM	EM	Cluxton, Eric	Mound Development Corporation	937-865-3921
SD	SD	Dettmer, Shannon	Ohio Department of Health	614-995-0761
CSF	CSF	Friedman, Chuck	Navarro	937-572-3969 cell
Lah	Lah	Huber, Lorrie	MDC	973-865-4438
on phone		Kelly, Larry	DOE EMCBC	513-518-0028
MLL	MLL	Lutz, Melissa	Navarro	636-300-2639 314-954-6660 cell
JM	JM	Massie, Joyce	Navarro LMS Team	937-287-1333 cell
BN	BN	Nickel, Brian	Ohio EPA	937-285-6468
		Reed, Allison	Ohio EPA	937-285-6447
DS	DS	Seely, David	U.S. EPA, Region V	312-886-7058
SS	SS	Smiley, Sue	DOE LM	513-648-3333
EES	EES	Stanifer, Ellen	City of Miamisburg	937-847-6636
BZ	BZ	Zimmerman, Brian	DOE LM	513-648-3340

2017 Annual Assessment of Institutional Controls at the Mound, Ohio, Site

Preliminary Inspection Information and Photos

Sue Smiley, LM Mound Site Manager
U.S. Department of Energy (DOE)
Office of Legacy Management (LM)

Walkdown • April 20, 2017



Institutional Controls (ICs)

- Legal and administrative tools
- Designed to protect human health and the environment
- Designed to minimize the potential for exposure to contamination and/or protect the integrity of the CERCLA* remedy



* Comprehensive Environmental Response, Compensation, and Liability Act



Mound Site* ICs

- Important part of on-site CERCLA remedies defined by Records of Decision (RODs)
- Run with the land in the form of activity and use limitations
- Incorporated into deed restrictions and the environmental covenant
- Applicable to all future land and groundwater uses

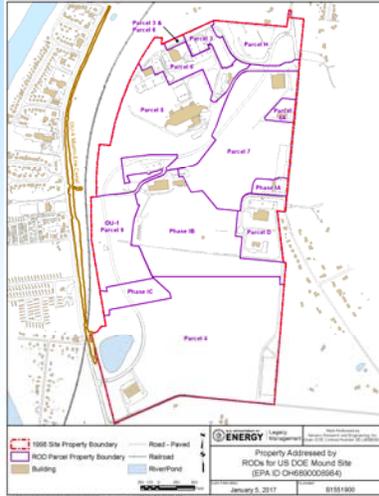
*Official LM site name is Mound, Ohio, Site

Mound Site Institutional Controls Apply to Entire Mound Site 1998 Mound Plant Property



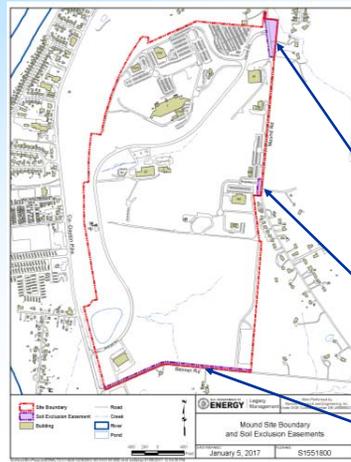
2016 aerial view looking north

Mound Site Institutional Controls
1998 Mound Plant Property



- Site boundary (red)
- Site RODs (purple)
 - Parcel 3
 - Parcel 4
 - Parcel D
 - Parcel H
 - Parcel Phase I (A, B, C)
 - Parcel 6, 7, and 8
 - Parcel 9
- Off-site ROD (gold)
 - OU-4 Canal Area has no use restrictions or ICs

Mound Site Institutional Controls
Three areas were excepted from the soil removal restriction IC



- DOE excepted three areas in the quitclaim deed when property transferred to the Mound Development Corporation (MDC)

Northeast corner when Mound Road was moved

To centerline of Mound Road in Phase IA

To centerline of Benner Road in Parcel 4

Mound Site Institutional Controls Entrance Modification

- The northeast corner excepted area was created during the 1999 Mound Site entrance modification.
- Mound Road was straightened
- Part of Mound property is now across the road from entrance.



Mound Site Institutional Controls Activity or Use Restrictions

- Limit land use to industrial/commercial only
- Prohibit extraction, consumption, exposure, or use, in any way, of the groundwater underlying the premises*
- Prohibit soil removal from 1998 Mound Site Property*



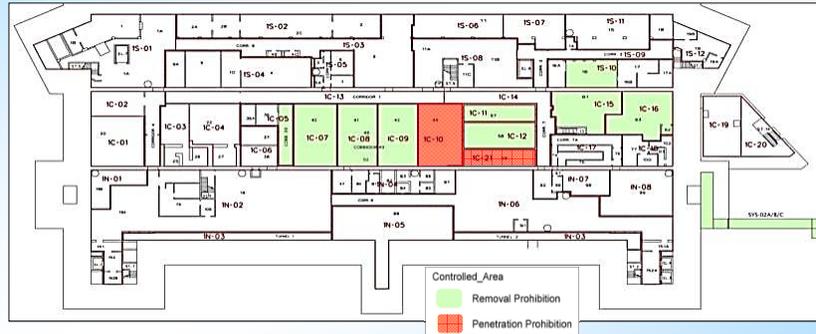
*Unless prior written approval from Environmental Protection Agency (EPA), Ohio EPA, and Ohio Department of Health (ODH) has been obtained



Mound Site Institutional Controls

Restrictions in Special IC Areas in T Building

- Prohibit removal of concrete floor material in green areas*
- Prohibit penetration of red concrete floors in red areas*



*Without prior approval from the EPA, Ohio EPA, and ODH



Mound Site Institutional Controls

Annual Assessments

- LM's Mound site Operation & Maintenance (O&M) Plan requires scheduled assessments to:
 - Evaluate and document the effectiveness of ICs
 - Confirm that any changes to the site comply with ICs



Mound Site Institutional Controls

Annual IC Assessment Process

- Conduct preliminary physical site inspections
- Review status of previous findings or recommendations
- Interview site property owners
- Review applicable local and state records, including but not limited to:
 - Montgomery County property records
 - City of Miamisburg permits
 - Construction, street opening, occupancy, etc.
 - Zoning modification requests
 - Ohio Department of Natural Resources website for well drilling and abandonments
- Conduct a walkdown with regulators, MDC, and the City of Miamisburg
- Publish IC assessment report by June 13, 2017



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Observations from Preliminary Inspections and Records' Reviews

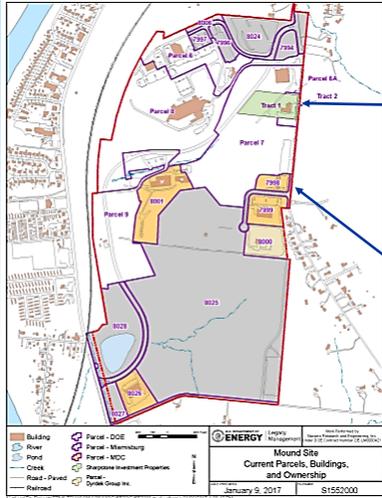
- Two property parcels changed ownership
- Construction continues at City of Miamisburg pumping station on Benner Road
- Special IC areas of T Building are dry
- Sump pump replaced and door locked in West Head House
- Debris has accumulated in storm drain above Operable Unit 1 (OU-1) area
- LM removed one trailer from OU-1 area
- Well improvements
 - Installed Procover on offsite Well 0138 after it was vandalized
 - Installed steps to improve access to Well 0411



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Observations from Preliminary Inspections

Property Ownership Changes



BOI Solutions Inc. sold 955 Mound Road to Sharpstone Investment Properties LLC

City of Miamiburg transferred ownership of 1075 Mound Road back to MDC
MDC leased property to Dayton History

- MDC notified Ohio EPA of both transfers

Observations from Preliminary Inspections

Benner Road Construction

- Construction continues at City of Miamiburg pumping station on Benner Road



Pumping station site viewed from Benner Road



Pumping station site

Observations from Preliminary Inspections
T Building Special IC Areas Were Dry



**Wet area near sump pump
in Room 99 (2016)**



**Dry area near sump pump
in Room 99 (2017)**

Observations from Preliminary Inspections
T Building (continued)



Water standing in Room 57 (2016)



Dry floor in Room 57 (2017)

Observations from Preliminary Inspections
T Building (continued)



Standing water in Room 58 (2016)



Dry floors in Room 58 (2017)

Observations from Preliminary Inspections
T Building (continued)



Walkdown participants observing wet gravel areas (2016)



Dry gravel areas (2017)

Observations from Preliminary Inspections
T Building (continued)



Water beyond the red concrete area (2016)



Dry area beyond red concrete (2017)

Observations from Preliminary Inspections
T Building - West Head House



Door damaged and unlocked (2016)



Door repaired and locked (2017)

Observations from Preliminary Inspections
Operable Unit 1 Area



**Debris in the storm drain uphill from OU-1
(Not an IC. Affects access to wells 0411 and 0433)**

Observations from Preliminary Inspections
Operable Unit 1 Area (continued)



This LM trailer was removed from OU-1 area

Observations from Preliminary Inspections

Well Improvements



New Procover installed on offsite Well 0138



Steps installed for improved access to Well 0411

Status of Recommendations from 2016 Assessment

- Send notification of property ownership transfer of parcel K46 01507 0030 from the City of Miamisburg to MDC, to Ohio EPA, per requirements of quitclaim deed
 - City of Miamisburg – **Complete**
- Revise the legal descriptions for city-owned parcels K46 01507 0041 and K46 01507 0042, to define areas that were not part of the original Mound site boundary, and are therefore not covered by ICs
 - MDC/City of Miamisburg – **LM discussed with MDC/City on 10/19/2016 and 4/11/2017**
- Clarify that onsite roadways transferred to the City of Miamisburg remain covered by site ICs, and consider issuing a city procedure that will ensure any repairs of the roads or adjacent utility corridors within the right-of-way comply with the ICs
 - MDC/City of Miamisburg – **LM discussed with City on 10/19/2016 and 4/11/2017**

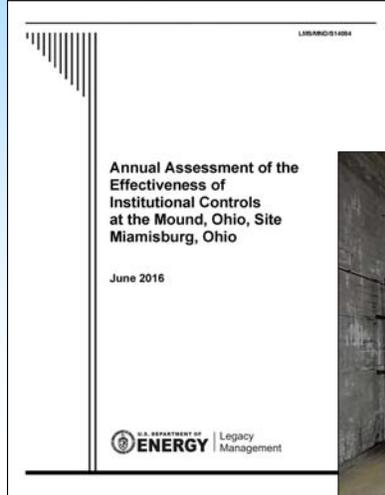
Status of Recommendations from 2016 Assessment (continued)

- Clarify that the two areas in Phase I and BOI Tract 2 to the center line of Mound Road are excepted from the soil-removal IC
 - DOE Office of Environmental Management (EM)/MDC/City of Miamisburg – LM provided draft Release Document to EPA and Ohio EPA on 2/26/2017. Graphic to ODH on 3/21 and to Ohio EPA 4/13.
- Determine if water that has passed under red concrete in the T Building IC area caused fixed contamination under the red concrete to migrate
 - EM/LM – Complete — LM/Navarro analysis 2016 reported no migration. Reviewed in FFA Meeting in June 2016. Will include a copy in 2017 IC report.
- Identify and remedy source of water in T Building special IC areas, and dry those areas
 - MDC – Complete – Replaced sump pump in West Head House and dried areas.

LM IC Assessment Report

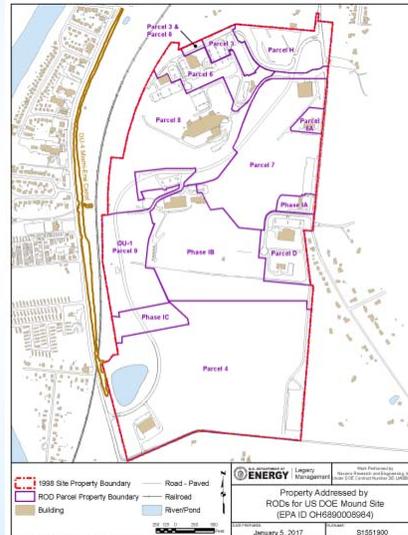
- Report will
 - Detail assessment results
 - Document changes since last inspection
 - Address recommendations from previous reports
 - Contain checklist of observations
 - Contain photos
 - Be published and distributed by June 13, 2017
 - Be uploaded to Mound site webpage at <https://www.lm.doe.gov/mound/Sites.aspx>

Questions?



Walkdown Schedule

- Safety briefing
 - Review and sign job safety analysis
- Van tour
 - Stop and observe areas as requested by participants
 - Return any comments on checklist at the end of tour
- Return to MDC conference room for wrap up





John R. Kasich, Governor
Mary Taylor, Lt. Governor
Craig W. Butler, Director

April 19, 2016

Ms. Gwendolyn Hooten
U.S. Department of Energy
Office of Legacy Management
11025 Dover Street, Suite 1000
Westminster, Colorado 80021

Re: US DOE Mound Fac, Miamisburg
Remediation Response
Correspondence
RCRA C - Hazardous Waste
Montgomery County
OH6890008984

Subject: U.S. DOE Mound Plant Burn Area Closure and Annual RCRA Institutional Control Inspection

Dear Ms. Hooten:

The purpose of this memo is to memorialize Ohio EPA's Resource Conservation and Recovery Act (RCRA) decision to not continue a separate institutional control inspection at the United States Department of Energy (U.S. DOE) Mound site.

On August 16th, 1996, Ohio EPA approved a closure plan for the burn area (consisting of 6 regulated units) at the U.S. DOE Mound site located in Miamisburg, Ohio (Mound Site). This closure plan was to be a closure by removal. Work was completed per the approved closure plan, however, confirmatory soil samples exceeded the closure performance standard for Antimony. As a result of this, U.S. DOE decided to amend the approved closure plan to include a risk assessment to close out the site soils. This amendment was received on February 9, 1998. This amendment also included the closure certification report for the other areas within the burn area that had met the closure performance standard. The closure certification did not come under separate cover as is typical and was included in the February 1998 closure plan amendment. Ohio EPA can't document approval of this plan amendment or acceptance of the closure certification report. On June 28, 1999, U.S. DOE again amended the closure plan to include an industrial re-use deed restriction on the burn area property. Approval of this plan was granted by Ohio EPA on July 26, 1999. It must be assumed that with this July 1999 approval of the amended plan, which contained the previously submitted risk assessment and closure certification, that Ohio EPA deemed the closure performance standard to have been met. A secondary review of this document, completed prior to the crafting of this letter concurs with the findings.

There are five RCRA/CERCLA Institutional Controls (IC's) at the Mound Site. These include:

1. Maintenance of industrial/commercial land use
2. Prohibition against residential use
3. Prohibition against use of ground water
4. Site access for federal and state agencies for environmental monitoring
5. Prohibition of removal of Phase 1 CERCLA soils without approval

As a result of the final Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) cleanup of the entire Mound Site, the U.S. DOE in conjunction with U.S. EPA, Ohio EPA, Ohio Department of Health, Mound Development Corporation and the city of Miamisburg perform annual inspections of the IC's. A report is generated from this annual inspection documenting findings and any corrective measures needed to maintain the IC's. The burn area is a part of this annual inspection as there were nine additional potential release sites remediated in the burn area which had not been covered under the RCRA closure. Ohio EPA conducts a separate annual inspection of the burn area to verify that the industrial reuse scenario is being followed and the area maintained as described in the approved closure plan, with inspection correspondence being sent to the land owner. This inspection is not required by rule, but is done as a matter of internal policy within Ohio EPA. Based upon that fact that two identical, yet programmatically separate inspections are occurring at the burn area, Ohio EPA recommends eliminating the separate RCRA inspection and will rely on the CERCLA inspection to verify compliance with the IC's. A copy of the CERCLA inspection report must be sent to Ohio EPA's current RCRA program supervisor to ensure we are able to document compliance with the recommended RCRA inspection schedule. However, if at any time in the future, the CERCLA inspection is discontinued, Ohio EPA will require the RCRA inspection be conducted on an annual basis consistent with the procedures established prior to the issuance of this letter.

Ms. Gwendolyn Hooten
U.S. DOE Mound, Miamisburg, Burn Area Annual RCRA IC Inspection
April 19, 2016
Page 3 of 3

If there are any questions, please contact me at (937) 285-6035.

Sincerely,



Randall G. Kirkland
Environmental Supervisor
Division of Environmental Response and Revitalization

ec: Brian Nickel, Ohio EPA, DERR
Anthony Campbell, Ohio EPA, DERR
Erik Hagen, Ohio EPA, DERR
Robyn Winstead, Ohio EPA, DERR
David Seely, U.S. EPA, RPM
Larry Kelly, EM Consolidated Business Center
Chris Fine, City of Miamisburg
Eric Cluxton, Mound Development Corporation

RGK/bp



August 23, 2016

Mr. Brian Nickel
Ohio EPA
401 E. Fifth Street
Dayton, OH 45402-2911

Dear Brian:

I apologize for the tardiness in this notification but was unaware that Ohio EPA needs to be notified whenever a property transfers hands at Mound Business Park.

On April 8, 2015, the City of Miamisburg transferred the property located at 1195 Mound Road, Miamisburg, Ohio 45342, Parcel ID No.: K46 01507 0030 to:

Mound Development Corporation, 965 Capstone Drive, Suite 252, Miamisburg, Ohio 45342, Telephone No.: (937) 865-4462.

Enclosed is a copy of the Quit Claim Deed detailing this transaction, which was recorded with the Montgomery County Recorder's Office on May 7, 2015. Please let me know if you have any questions. Thank you.

Sincerely,

MOUND DEVELOPMENT CORPORATION

A handwritten signature in black ink, appearing to read "Eric Cluxton".

Eric Cluxton
President

Enclosure

cc: Sue Smiley, U.S. DOE, Office of Legacy Management
Joyce Massie, Navarro LMS Team

Mound Development Corp.
965 Capstone Drive, Suite 480
PO Box 232
Miamisburg, OH 45342

Phone: 937.865.4462 | Fax: 937.865.4431

Type: Deeds
Kind: DEED
Recorded: 5/7/2015 1:37:24 PM
Fee Amt: \$36.00 Page 1 of 3
Montgomery County, OH
Willis E. Blackshear Recorder

TRANSFER
01:33pm MAY 07, 2015
KARL L. KEITH, COUNTY AUDITOR
Conv/Tran #: 06586 \$.00

File# 2015-00023825

QUIT CLAIM DEED
(Ohio Statutory Form)

CITY OF MIAMISBURG, OHIO, an Ohio municipal corporation ("Grantor"), for valuable consideration paid, grants to **MOUND DEVELOPMENT CORPORATION**, an Ohio not-for-profit corporation f/k/a/ Miamisburg Mound Community Improvement Corporation, having an address of 965 Capstone Drive, P.O. Box 232, Miamisburg, Ohio 45342-0232 "(Grantee)", the real property described on Exhibit A attached hereto and incorporated hereby by reference (referred to in this Deed as the "Lot").

THE INTEREST CONVEYED HEREBY IS SUBJECT TO COVENANTS AND RESTRICTIONS FOUND IN THE DEED FROM THE UNITED STATES GOVERNMENT TO GRANTOR AND RECORDED AS INSTRUMENT NO. 09-011643 OF THE DEED RECORDS OF THE MONTGOMERY COUNTY, OHIO RECORDER'S OFFICE.

PRIOR DEED REFERENCE: Instrument No. 2013-00079430 of the Montgomery County, Ohio Deed Records.

Executed this 8th day of April, 2015.

CITY OF MIAMISBURG, OHIO
an Ohio municipal corporation

By: 

Printed Name: KEITH JOHNSON

Title: CITY MANAGER

2



STATE OF OHIO, COUNTY OF MONTGOMERY, SS:

The foregoing instrument was acknowledged before me this 8th day of April, 2015, by Keith Johnson, the City Manager of the CITY OF MIAMISBURG, OHIO, an Ohio municipal corporation, on behalf of said municipal corporation.

Kathleen Lynn Weisgarber
Notary Public



KATHLEEN LYNN WEISGARBER, Notary Public
In and for the State of Ohio
My Commission Expires March 2, 2018

This instrument prepared by:
Shannon L. Costello, Esq.
Coolidge Wall Co., L.P.A.
33 West First Street, Suite 600
Dayton, OH 45402
W:\Wdox\Client\001969\00639\00743494.Docx

EXHIBIT A

Situate in Sections 30 and 36, Town 2, Range 5 M.Rs, City of Miamisburg, Montgomery County, Ohio and being Lot Numbered 7999 of the Mound Advanced Technology Center Record Plan, Section 1, as recorded in Plat Book 222, Page 30 of the Montgomery County, Ohio Records.

Parcel Id. No.: K46 01507 0030



September 21, 2016

Mr. Brian Nickel
Ohio EPA
401 E. Fifth Street
Dayton, OH 45402-2911

Dear Brian:

On September 7, 2016, the City of Miamisburg transferred the property (Mound Cold War Discovery Center—formerly the Mound Science and Energy Museum) located at 1075 Mound Road, Miamisburg, Ohio 45342, Parcel ID No.: K46 01507 0029 to:

Mound Development Corporation, 965 Capstone Drive, Suite 252, Miamisburg, Ohio 45342, Telephone No.: (937) 865-4462.

Note that we referenced the street address as being on Enterprise Court because the Auditor's office has it referenced in that manner. The property address reference is informational only. The legal description is the important part.

Enclosed is a copy of the Quit Claim Deed detailing this transaction, which was recorded with the Montgomery County Recorder's Office on September 13, 2016. Please let me know if you have any questions. Thank you.

Sincerely,

MOUND DEVELOPMENT CORPORATION

Eric Cluxton
President

Enclosure

cc: David Seely (USEPA Region 5)
Larry Kelly (DOE-EMCBC Realty Office)
Sue Smiley, (DOE-LM Site Manager)

Mound Development Corp.
965 Capstone Drive, Suite 480
PO Box 232
Miamisburg, OH 45342

Type: DEE
Kind: DEED
Recorded: 09/13/2016 03:32:50 PM
Fee Amt: \$36.00 Page 1 of 3
Montgomery County, OH
Willis E. Blackshear County Recorder
File# 2016-00049911

TRANSFER
03:26pm SEPTEMBER 13, 2016
KARL L. KEITH, COUNTY AUDITOR
Conv/Tran #: 14837 \$.00

QUIT CLAIM DEED
(Ohio Statutory Form)

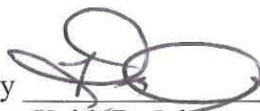
CITY OF MIAMISBURG, OHIO, an Ohio municipal corporation, for valuable consideration paid, grants to **MOUND DEVELOPMENT CORPORATION**, an Ohio not for profit corporation, whose tax mailing address is 965 Capstone Drive, P. O. Box 232, Miamisburg, Ohio 45343-0232, the real property described on Exhibit A attached hereto and incorporated herein by reference.

THE INTEREST CONVEYED HEREBY IS SUBJECT TO COVENANTS AND RESTRICTIONS FOUND IN THE DEED FROM THE UNITED STATES OF AMERICA TO MIAMISBURG MOUND COMMUNITY IMPROVEMENT CORPORATION RECORDED AS INSTRUMENT NO. 09-011643 OF THE DEED RECORDS OF THE MONTGOMERY COUNTY, OHIO.

PRIOR DEED REFERENCE: Instrument No. 2013-00079430 of the Deed Records of Montgomery County, Ohio.

Executed this 7 day of September, 2016.

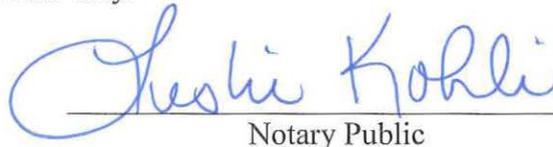
CITY OF MIAMISBURG, OHIO
an Ohio municipal corporation

By 
Keith D. Johnson
City Manager



STATE OF OHIO, COUNTY OF MONTGOMERY, SS:

The foregoing instrument was acknowledged before me this 7th day of September, 2016, by Keith D. Johnson, City Manager of City of Miamisburg, Ohio, an Ohio municipal corporation, on behalf of the City.



Notary Public

LESLIE A. KOHLI, Attorney at Law
Notary Public - State of Ohio
My Commission has no expiration
Section 147.03 R.C.

This Instrument Prepared By:
Shannon L. Costello
Attorney at Law
Coolidge Wall Co., L.P.A.
33 West First Street, Suite 600
Dayton, Ohio 45402
937-223-8177

w:\wdox\client\001969\00603\00836017.docx

EXHIBIT A

Situate in Sections 30, 35 and 36, Town 2, Range 5 M.Rs, City of Miamisburg, County of Montgomery, and State of Ohio and being Lot Numbered 7998 of Mound Advanced Technology Center, Section 1, as recorded in Plat Book 222, Page 30 of the Plat Records of Montgomery County, Ohio.

Parcel No. K46 01507 0029

Property Address: Enterprise Court, Miamisburg, Ohio



January 4, 2017

Mr. Brian Nickel
Ohio EPA
401 E. Fifth Street
Dayton, OH 45402-2911

Dear Brian:

On December 19, 2016, **BOI SOLUTIONS, INC.** sold the property located at 955 Mound Road, Miamisburg, Ohio 45342, Parcel ID No.: K46 00501 0017, 18 to:

SHARPSTONE INVESTMENT PROPERTIES, LLC (real estate holding company for **Gokeyless**)
Joshua Stamps
Managing Partner & Co-Founder
955 Mound Road, Miamisburg, OH 45342
Phone: (937) 890-2333, ext. 111

Enclosed is a copy of the General Warranty Deed, which was recorded with the Montgomery County Recorder's Office on December 21, 2016. Also enclosed is the Legal Description (Exhibit A) and the property map. Please let me know if you have any questions. Thank you.

Sincerely,

MOUND DEVELOPMENT CORPORATION

Eric Cluxton
President

Enclosures

cc: David Seely (USEPA Region 5)
Larry Kelly (DOE-EMCBC Realty Office)
Sue Smiley (DOE-LM Site Manager)
Melissa Lutz (Navarro)
Joyce Massie (Navarro)
Sharpstone Investment Properties, LLC
Bill Othick (BOI Solutions)

Mound Development Corp.
965 Capstone Drive, Suite 480
PO Box 232
Miamisburg, OH 45342

Phone: 937.865.4462 | Fax: 937.865.4431

Type: Deeds
Kind: DEED
Recorded: 12/21/2016 1:59:11 PM
Fee Amt: \$44.00 Page 1 of 4
Montgomery County, OH
Willis E. Blackshear Recorder

TRANSFER
02:58pm DECEMBER 20, 2016
KARL L. KEITH, COUNTY AUDITOR
Conv/Tran #: 20726 \$1,800.30

File# 2016-00071750

4

GENERAL WARRANTY DEED

K46 00501 0017, 18

BOI SOLUTIONS, INC., Delaware corporation, having taken title as **BOI Solutions, an Ohio corporation**, for valuable consideration paid, grants with general warranty covenants, to **SHARPSTONE INVESTMENT PROPERTIES LLC**, an Ohio limited liability company, whose tax-mailing address is 955 Mound Rd., Miamisburg, OH 45342, the following described real property:

See attached Exhibit 'A' for legal description.

SUBJECT TO all easements, conditions, restrictions and limitations of record and all legal highways, and excepting from the warranty hereof taxes and assessments due and payable June, 2017 and thereafter.

ADDRESS OF PROPERTY: 955 Mound Road Miamisburg, Ohio 45342
PARCEL NUMBER: K46 00501 0017, 18

PRIOR DEED REFERENCE: Instrument No. 2012-00084260 of the Deed Records of Montgomery County, Ohio.

First American Box

EXHIBIT 'A'

Parcel: K46 00901 0017

1103-2365154

LEGAL DESCRIPTION

Situated in the City of Miamisburg, County of Montgomery, State of Ohio, and is described as follows:

TRACT 1

Situate in Section 30, Town 2, Range 5 M.Rs, and being part of Lot 2259 of the revised and consecutive numbers of lots on the plat of the City of Miamisburg, Montgomery County, Ohio, being part of 2.352 acre tract conveyed to United States of America by deed recorded in IR # Deed 12-082086 of the deed records of said county and part of a 42.037 acre tract conveyed to United States of America by deed recorded in IR # Deed 12-082087 of the deed records of said county and being a 5.350 acre tract more particularly described as follows:

Commencing for reference at a limestone monument found at the Northwest corner of said Section 30;

Thence S 85° 02' 50" E with the North line of Lot 2258 a distance of 1249.98 feet to a 5/8" iron pin found ("Floyd Browne Group") at the Northeast corner of a 14.288 acre tract conveyed to Miamisburg Mound Community Improvement Corporation as recorded in IR # Deed 09-011643 of the deed records of said county, said pin being S 85° 02' 50" E a distance of 1249.98 feet from a concrete monument found at the Northwest corner of said Section 30;

Thence S 05° 32' 42" W with the East line of said 14.288 acre tract and the centerline of Mound Road a distance of 1145.72 feet (passing a 1" iron pin in a monument box at 886.40 feet) to a MAG nail set;

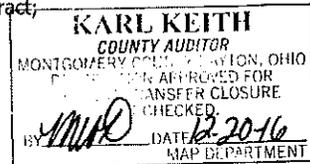
Thence N 84° 09' 44" W a distance of 35.00 feet to a 5/8" iron pin set at the true point of beginning of the herein described tract;

Thence on a new division line the following 4 courses:

1. S 05° 32' 42" W for a distance of 336.76 feet to a 5/8" iron pin set;
2. N 84° 09' 44" W a distance of 804.84 feet to a 5/8" iron pin set;
3. N 39° 27' 25" E a distance of 404.40 feet to a 5/8" iron pin set;
4. S 84° 09' 44" E a distance of 579.22 feet to the true point of beginning containing 5.350 acres more or less, (1,994 acres from 2.352 acre tract and 3.356 acres from 42.037 acre tract).

Further subject to the following portion being reserved for utility easement;

Beginning at the Southeast corner of the above described 5.350 acre tract;



Thence N 84° 09' 44" W a distance of 25.00 feet;

Thence N 05° 32' 42" E a distance of 8.50 feet;

Thence S 84° 09' 44" E a distance of 25.00 feet;

Thence S 05° 32' 42" W a distance of 8.50 feet to the terminus of the herein described easement.

Prior Deed Reference:
IR # Deed 09-011643

Bearings based on the centerline of Mound Road per ID# Deed 09-011643 S 05° 32' 42" W

The above description is a result of a field survey prepared by Raymond B. Mefford Registered Surveyor N. 7367 and Judge Engineering Company dated October 1, 2012, as recorded in the Montgomery County Engineer's Record of Land Surveys in Volume 2012, Page 0269.

TRACT 2

Situate in Section 30, Town 2, Range 5 M.Rs, and being part of Lot 2259 of the revised and consecutive numbers of lots on the plat of the City of Miamisburg, Montgomery County, Ohio, being part of 2.352 acre tract conveyed to United States of America by deed recorded in IR # Deed 12-082086 of the deed records of said county and part of a 42.037 acre tract conveyed to United States of America by deed recorded in IR # Deed 12-082087 of the deed records of said county and being a 0.271 acre tract for roadway purposes more particularly described as follows:

Commencing for reference at a limestone monument found at the Northwest corner of said Section 30:

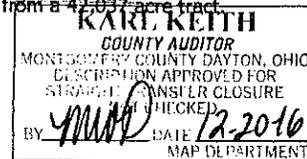
Thence S 85° 02' 50" E with the North line of Lot 2258 a distance of 1249.98 feet to a 5/8" iron pin found ("Floyd Browne Group") at the Northeast corner of a 14.288 acre tract conveyed to Miamisburg Mound Community Improvement Corporation as recorded in IR # Deed 09-011643 of the deed records of said county, said pin being S 85° 02' 50" E a distance of 1249.98 feet from a concrete monument found at the Northwest corner of said Section 30;

Thence S 05° 32' 42" W with the East line of said 14.288 acre tract and the centerline of Mound Road a distance of 1145.72 feet (passing a 1" iron pin in a monument box at 886.40 feet) to a MAG nail set at the true point of beginning of the herein described tract;

Thence from said true point of beginning S 05° 32' 42" W with the centerline of said Mound Road a distance of 336.76 feet to a MAG nail set;

Thence on a new division line the following 3 courses:

1. N 84° 09' 44" W a distance of 35.00 feet to a 5/8" iron pin set;
2. N 05° 32' 42" E a distance of 336.76 feet to a 5/8" iron pin set;
3. S 84° 09' 44" E a distance of 35.00 feet to the true point of beginning containing 0.271 acres more or less, 0.241 acres from a 2.352 acre tract and 0.030 acres from a 42.037 acre tract.



Mound Site Landowners – Institutional Controls Compliance Form

The United States Department of Energy (DOE) remediated the Mound Site Property to the Environmental Protection Agency's (EPA's) risk-based standards for **industrial/commercial use only**. Because the site is not approved for unlimited use, the CERCLA remedy includes institutional controls (ICs) in the form of use restrictions.

ICs are administrative and legal controls that help minimize the potential for human exposure to contamination and/or protect the integrity of the remedy. The DOE Office of Legacy Management (LM) is required to monitor for adherence to the ICs to assure compliance.

Please complete the following questionnaire for the period of May 1, 2016 through April 11, 2017, and return to DOE LM within 30 days.

The Mound Site ICs are detailed in the DOE Office of Environmental Management quitclaim deeds and the *Environmental Covenant*. The ICs were designed to:

- 1) **Prohibit the removal of soil** from the original DOE Mound Plant Property boundaries, unless prior written approval from Ohio EPA and Ohio Department of Health (ODH) has been obtained.
 - 1a) Was soil removed from your property? Yes ___ No
 - 1b) If yes, was the soil removed from the original DOE Mound Plant Property boundaries?
Yes ___ No ___.
 - 1c) If yes, please include a copy of the written approval.

- 2) **Prohibit the extraction or consumption of, exposure to, or the use in any way of the groundwater** underlying the premises, unless prior written approval from EPA and Ohio EPA has been obtained.
 - 2a) Was a new well installed on your property? Yes ___ No .
 - 2b) If yes, please include a copy of the written approval.

- 3) **Limit land use to industrial/commercial use only.** The Record of Decision for each parcel identifies land uses that will not be permitted, but the list is not all-inclusive. Parcels may not be used for any residential or farming activities, or any activities that could result in the chronic exposure of children less than 18 years of age to soil or groundwater from the premises. **Restricted uses** include, but are not limited to:
 - Single or multi-family dwellings or rental units.
 - Daycare facilities.
 - Schools or other educational facilities for children less than 18 years of age.
 - Community centers, playgrounds, or other recreational or religious facilities for children less than 18 years of age.
 - 3a) Did any of these restricted uses occur on your property within the past year? Yes ___ No .
 - 3b) If yes, please provide an explanation:

Mound Site Landowners – Institutional Controls Compliance Form

- 4) **Prohibit the removal of concrete floor material in specified rooms of T Building** to off-site locations without prior approval from EPA, Ohio EPA, and ODH.
- 4a) Do you occupy T-Building? Yes ___ No
- 4b) If yes, did you remove any of the floor material in the specified T building rooms to an off-site location? Yes ___ No ___.
- 4c) If yes, please provide approval documentation.
- 5) **Prohibit the penetration of concrete floors in specified rooms of T Building** without prior approval from EPA, Ohio EPA, and ODH.
- 5a) Do you occupy T-Building? Yes ___ No
- 5b) Did you penetrate the concrete floors in the specified T building rooms? Yes ___ No ___.
- 5c) If yes, please provide approval documentation.
- 6) **Allow site access** to federal and state agencies and their contractors for sampling and monitoring.

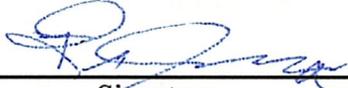
In addition to the ICs above, the *Environmental Covenant* filed as Special Instrument Deed 2012-00004722 that states (Section 12, pg. 4):

"Owner or transferee, if applicable, shall notify Ohio EPA within ten (10) days after each conveyance of an interest of the Property or any portion thereof. The notice shall include the name, address, and telephone number of the Transferee, a copy of the deed or other documentation evidencing the conveyance, and a survey map that shows the boundaries of the property being transferred."

As a property owner or company representative, I understand and comply with these ICs and the requirement for notification of change in property ownership.

Keith Johnson

Printed Name



Signature

4/12/17

Date

City Manager

Title

City of Miamisburg

Company

Please return the signed form within 30 days of receipt. If you have any questions, please contact Sue Smiley, the LM Mound Site Manager, at sue.smiley@lm.doe.gov or at (513) 648-3333.

Mound Site Landowners – Institutional Controls Compliance Form

The United States Department of Energy (DOE) remediated the Mound Site Property to the Environmental Protection Agency's (EPA's) risk-based standards for **industrial/commercial use only**. Because the site is not approved for unlimited use, the CERCLA remedy includes institutional controls (ICs) in the form of use restrictions.

ICs are administrative and legal controls that help minimize the potential for human exposure to contamination and/or protect the integrity of the remedy. The DOE Office of Legacy Management (LM) is required to monitor for adherence to the ICs to assure compliance.

Please complete the following questionnaire for the period of May 1, 2016 through April 11, 2017, and return to DOE LM within 30 days.

The Mound Site ICs are detailed in the DOE Office of Environmental Management quitclaim deeds and the *Environmental Covenant*. The ICs were designed to:

- 1) **Prohibit the removal of soil** from the original DOE Mound Plant Property boundaries, unless prior written approval from Ohio EPA and Ohio Department of Health (ODH) has been obtained.
 - 1a) Was soil removed from your property? Yes No
 - 1b) If yes, was the soil removed from the original DOE Mound Plant Property boundaries? Yes No
 - 1c) If yes, please include a copy of the written approval.

- 2) **Prohibit the extraction or consumption of, exposure to, or the use in any way of the groundwater** underlying the premises, unless prior written approval from EPA and Ohio EPA has been obtained.
 - 2a) Was a new well installed on your property? Yes No
 - 2b) If yes, please include a copy of the written approval.

- 3) **Limit land use to industrial/commercial use only**. The Record of Decision for each parcel identifies land uses that will not be permitted, but the list is not all-inclusive. Parcels may not be used for any residential or farming activities, or any activities that could result in the chronic exposure of children less than 18 years of age to soil or groundwater from the premises. **Restricted uses** include, but are not limited to:
 - Single or multi-family dwellings or rental units.
 - Daycare facilities.
 - Schools or other educational facilities for children less than 18 years of age.
 - Community centers, playgrounds, or other recreational or religious facilities for children less than 18 years of age.
 - 3a) Did any of these restricted uses occur on your property within the past year? Yes No
 - 3b) If yes, please provide an explanation:

Mound Site Landowners – Institutional Controls Compliance Form

4) **Prohibit the removal of concrete floor material in specified rooms of T Building** to off-site locations without prior approval from EPA, Ohio EPA, and ODH.

4a) Do you occupy T-Building? Yes No

4b) If yes, did you remove any of the floor material in the specified T building rooms to an off-site location? Yes No .

4c) If yes, please provide approval documentation.

5) **Prohibit the penetration of concrete floors in specified rooms of T Building** without prior approval from EPA, Ohio EPA, and ODH.

5a) Do you occupy T-Building? Yes No

5b) Did you penetrate the concrete floors in the specified T building rooms? Yes No

5c) If yes, please provide approval documentation.

6) **Allow site access** to federal and state agencies and their contractors for sampling and monitoring.

In addition to the ICs above, the *Environmental Covenant* filed as Special Instrument Deed 2012-00004722 that states (Section 12, pg. 4):

"Owner or transferee, if applicable, shall notify Ohio EPA within ten (10) days after each conveyance of an interest of the Property or any portion thereof. The notice shall include the name, address, and telephone number of the Transferee, a copy of the deed or other documentation evidencing the conveyance, and a survey map that shows the boundaries of the property being transferred."

As a property owner or company representative, I understand and comply with these ICs and the requirement for notification of change in property ownership.

<u>ERIC A CROXTON</u>	<u></u>	<u>4/14/17</u>
Printed Name	Signature	Date
<u>PRESIDENT</u>	<u>MOUND DEVELOPMENT CORP.</u>	
Title	Company	

Please return the signed form within 30 days of receipt. If you have any questions, please contact Sue Smiley, the LM Mound Site Manager, at sue.smiley@lm.doe.gov or at (513) 648-3333.

Mound Site Landowners – Institutional Controls Compliance Form

The United States Department of Energy (DOE) remediated the Mound Site Property to the Environmental Protection Agency's (EPA's) risk-based standards for **industrial/commercial use only**. Because the site is not approved for unlimited use, the CERCLA remedy includes institutional controls (ICs) in the form of use restrictions.

ICs are administrative and legal controls that help minimize the potential for human exposure to contamination and/or protect the integrity of the remedy. The DOE Office of Legacy Management (LM) is required to monitor for adherence to the ICs to assure compliance.

Please complete the following questionnaire for the period of May 1, 2016 through April 11, 2017, and return to DOE LM within 30 days.

The Mound Site ICs are detailed in the DOE Office of Environmental Management quitclaim deeds and the *Environmental Covenant*. The ICs were designed to:

- 1) **Prohibit the removal of soil** from the original DOE Mound Plant Property boundaries, unless prior written approval from Ohio EPA and Ohio Department of Health (ODH) has been obtained.
 - 1a) Was soil removed from your property? Yes ___ No .
 - 1b) If yes, was the soil removed from the original DOE Mound Plant Property boundaries? Yes ___ No ___.
 - 1c) If yes, please include a copy of the written approval.

- 2) **Prohibit the extraction or consumption of, exposure to, or the use in any way of the groundwater** underlying the premises, unless prior written approval from EPA and Ohio EPA has been obtained.
 - 2a) Was a new well installed on your property? Yes ___ No .
 - 2b) If yes, please include a copy of the written approval.

- 3) **Limit land use to industrial/commercial use only**. The Record of Decision for each parcel identifies land uses that will not be permitted, but the list is not all-inclusive. Parcels may not be used for any residential or farming activities, or any activities that could result in the chronic exposure of children less than 18 years of age to soil or groundwater from the premises. **Restricted uses** include, but are not limited to:
 - Single or multi-family dwellings or rental units.
 - Daycare facilities.
 - Schools or other educational facilities for children less than 18 years of age.
 - Community centers, playgrounds, or other recreational or religious facilities for children less than 18 years of age.
 - 3a) Did any of these restricted uses occur on your property within the past year? Yes ___ No .
 - 3b) If yes, please provide an explanation:

Mound Site Landowners – Institutional Controls Compliance Form

- 4) **Prohibit the removal of concrete floor material in specified rooms of T Building** to off-site locations without prior approval from EPA, Ohio EPA, and ODH.
- 4a) Do you occupy T-Building? Yes ___ No
- 4b) If yes, did you remove any of the floor material in the specified T building rooms to an off-site location? Yes ___ No ___.
- 4c) If yes, please provide approval documentation.
- 5) **Prohibit the penetration of concrete floors in specified rooms of T Building** without prior approval from EPA, Ohio EPA, and ODH.
- 5a) Do you occupy T-Building? Yes ___ No
- 5b) Did you penetrate the concrete floors in the specified T building rooms? Yes ___ No .
- 5c) If yes, please provide approval documentation.
- 6) **Allow site access** to federal and state agencies and their contractors for sampling and monitoring.

In addition to the ICs above, the *Environmental Covenant* filed as Special Instrument Deed 2012-00004722 that states (Section 12, pg. 4):

“Owner or transferee, if applicable, shall notify Ohio EPA within ten (10) days after each conveyance of an interest of the Property or any portion thereof. The notice shall include the name, address, and telephone number of the Transferee, a copy of the deed or other documentation evidencing the conveyance, and a survey map that shows the boundaries of the property being transferred.”

As a property owner or company representative, I understand and comply with these ICs and the requirement for notification of change in property ownership.

<u>Michael Hill</u>	<u></u>	<u>4/11/17</u>
Printed Name	Signature	Date
<u>President</u>	<u>Alicia Workshop / Sov. Sect Inc.</u>	
Title	Company	

Please return the signed form within 30 days of receipt. If you have any questions, please contact Sue Smiley, the LM Mound Site Manager, at sue.smiley@lm.doe.gov or at (513) 648-3333.

Mound Site Landowners – Institutional Controls Compliance Form

- 4) **Prohibit the removal of concrete floor material in specified rooms of T Building** to off-site locations without prior approval from EPA, Ohio EPA, and ODH.
- 4a) Do you occupy T-Building? Yes No
- 4b) If yes, did you remove any of the floor material in the specified T building rooms to an off-site location? Yes No
- 4c) If yes, please provide approval documentation.
- 5) **Prohibit the penetration of concrete floors in specified rooms of T Building** without prior approval from EPA, Ohio EPA, and ODH.
- 5a) Do you occupy T-Building? Yes No
- 5b) Did you penetrate the concrete floors in the specified T building rooms? Yes No
- 5c) If yes, please provide approval documentation.
- 6) **Allow site access** to federal and state agencies and their contractors for sampling and monitoring.

In addition to the ICs above, the *Environmental Covenant* filed as Special Instrument Deed 2012-00004722 that states (Section 12, pg. 4):

"Owner or transferee, if applicable, shall notify Ohio EPA within ten (10) days after each conveyance of an interest of the Property or any portion thereof. The notice shall include the name, address, and telephone number of the Transferee, a copy of the deed or other documentation evidencing the conveyance, and a survey map that shows the boundaries of the property being transferred."

As a property owner or company representative, I understand and comply with these ICs and the requirement for notification of change in property ownership.

JOSHUA STAMPS *[Signature]* 4/29/2017
Printed Name Signature Date

Managing Partner 21st Century Solutions / DBA GoKeyless
Title Company SHARPSTONE

Please return the signed form within 30 days of receipt. If you have any questions, please contact Sue Smiley, the LM Mound Site Manager, at sue.smiley@lm.doe.gov or at (513) 648-3333.

Appendix B
Property Information

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Mound Site Current Property Data from Montgomery County Real Estate Website April 2017

Parcel ID (PARID)	Parcel Location per Record	Legal Description	Land Use	Acres	Deed	Sale	Conveyance	Owner per Record	General Location	Applicable ROD
City Of Miamisburg--Owned Property										
K46 01507 0025	Vanguard Blvd.	7994 Mound Advanced Technology Center Sec 1	C - Commercial Vacant Land	2.1941	201300079430 Mod 2015-00008913			City of Miamisburg Ohio	Left of main entrance	Parcel H minus road
K46 01507 0027	Capstone Dr.	7996 Mound Advanced Technology Center Sec 1	C - Other Commercial Structures	2.4123	201300079430			City of Miamisburg	GH parking lot	Parcel 3 minus road
K46 01507 0028	Capstone Dr.	7997 Mound Advanced Technology Center Sec 1	C - Office Building 1-2 Stories	1.3139	201300079430			City of Miamisburg	OSE Bldg. parking lot	Parcel 3 minus road
K46 01507 0037	Vanguard Blvd.	8006 Mound Advanced Technology Center Sec 1	C - Other Commercial Structures	0.8456	201300079430			City of Miamisburg	Parking lot on right top of hill	Parcel 3 minus road
K46 01507 0038	Vantage Pt.	8024 Mound Advanced Technology Center Sec 1	C - Other Commercial Structures	7.8502	201300079430 Mod 2015-00008913			City of Miamisburg	Large parking lot	Parcel H minus road
K46 01507 0039	Vanguard Blvd.	8025 Mound Advanced Technology Center Sec 1-A	C - Other commercial structures	109.4752	201300079430 Mod 2015-00008913			City of Miamisburg	Large area with Parcel 4 & Phase I parts	Parcel 4, Phase IB, IC minus road
K46 01507 0041	Vanguard Blvd.	8027 Mound Advanced Technology Center Sec 1	C - Commercial Vacant Land	2.7833	201300079430 Mod 2015-00008913			City of Miamisburg and Miamisburg Mound Community Improvement Corp	Corner Benner and Rt. 25. Added former City Lot 4782 to Rt. 25	Parcel 4 minus road
K46 01507 0042	Vanguard Blvd.	8028 Mound Advanced Technology Center Sec 1-A	C - Commercial Vacant Land	14.8489	201300079430 Mod 2015-00008913			City of Miamisburg	Pond. Added former city lot 4781 to Rt. 25	Parcel 4 minus road
Total City-Owned Property				144.0514						

Mound Site Current Property Data from Montgomery County Real Estate Website April 2017 (continued)

Parcel ID (PARID)	Parcel Location per Record	Legal Description	Land Use	Acres	Deed	Sale	Conveyance	Owner per Record	General Location	Applicable ROD
MDC-Owned Property										
K46 01507 0029	Enterprise Ct.	7998 Mound Advanced Technology Center Sec 1	C - Office Building 1-2 Stories	2.3279	2016 00049911			Mound Development Corporation	Bldg. 102 1075 Mound Road	Phase IA
K46 01507 0030	Enterprise Ct.	7999 Mound Advanced Technology Center Sec 1	C - Other Commercial Structures	4.8008	2015 00023825			Mound Development Corporation	Bldg. 105 1195 Mound Road	Parcel D minus road
K46 01507 0032	Vanguard Blvd.	8001 Mound Advanced Technology Center Sec 1	I - Manufacturing & Assembly Medium	10.0802	201300079430			Miamisburg Mound Community Improvement Corp.	Excelitas Old Test Fire area	Phase IB
K46 01507 0040	1374 Vanguard Blvd.	8026 Mound Advanced Technology Center Sec 1	C - Commercial Warehouses	4.6975	201300079430 Mod 2015-00008913			Miamisburg Mound Community Improvement Corp.	Flex Building near Benner and SR 25 SW entrance to site	Parcel 4
Does not include acreage in roadways			Total MDC Property	19.5785						
Sharpstone Investment Properties LLC–Owned Property										
K46 00501 0017	955 Mound Road	2259	C - Office Building 1-2 Stories	5.3500	2016 00071750			Sharpstone Investment Properties LLC	Most of former 6A +parts of Parcel 7	Parcels 6, 7, and 8
K46 00501 0018	Mound Road	2259	E - Exempt Property Owned by USA	0.2710	2016 00071750			Sharpstone Investment Properties LLC	Part of 6A road front	Parcels 6, 7, and 8
			Total Sharpstone Property	5.6210						
Dyrdek Group Inc. Owned Property										
K46 01507 0031	790 Enterprise Ct	8000 Mound Advanced Technology Center Sec 1	C - Office Building 1-2 Stories	5.5191	2014 00069587			Dyrdek Group Inc. 2850 Ocean Park Blvd. Ste 300 Santa Monica, CA 90405	Bldg. 100	Parcel D minus road
			Total Dyrdek Property	5.5191						

Mound Site Current Property Data from Montgomery County Real Estate Website April 2017 (continued)

Parcel ID (PARID)	Parcel Location per Record	Legal Description	Land Use	Acres	Deed	Sale	Conveyance	Owner per Record	General Location	Applicable ROD
DOE Owned Property										
K46 00334 0021	Mound Ave.	5-2-36	E - Exempt Property Owned by USA	0.7235	01214P00012			United States	Small area north of Parcel 6	Parcels 6, 7, and 8
K46 00501 0002	Mound Rd	2259PT 5-1-9	E - Exempt Property Owned by USA	5.063	01214P00017			United States %	Most of Parcel 6	Parcels 6, 7, and 8
K46 00501 0015	Mound Rd	2259PT	E - Exempt Property Owned by USA	0.1170	2012-00082086		DOE HQ to EMCBC	United States Dept of Energy 250 E 5 th St Cincinnati, OH 45202	Northern slice of 6A	Parcels 6, 7, and 8
K46 00501 0016	Mound Rd	2259PT 2290PT, 5-2-30/36	E - Exempt Property Owned by USA	36.9990	2012-00082087		DOE HQ to EMCBC	United States Address unknown	Approximately Parcel 7	Parcels 6, 7, and 8
K46 00503 0013	Old Main St	2290PT	E - Exempt Property Owned by USA	64.257	01258P00056			United States %	Combo parts of Parcels 6, 8, and 9	Parcels 6, 7, and 8; Parcel 9
K46 00503 0030	Old Main St	2290PT	E - Exempt Property Owned by USA	1.922	2012 0082087			United States	Part of Parcel 7 east of Excelitas	Parcels 6, 7, and 8
K46 01109 0001	Benner Rd	4777PT	E - Exempt Property Owned by USA	10.2040	1981-00376A001			Harry Hill Area Manager Dept of Energy Dayton Area PO Box 66 Miamisburg, OH 45343 0066	OU1 area	Parcel 9
K46 01109 0003	Dixie Dr S	4779	E - Exempt Property Owned by USA	1.6000	01258P00074			United States PO Box 271 Wilmington, OH 45177-0271	Former road west of OU1 area	Parcel 9
				Total DOE Property	120.8855					
Total site acreage showing on county website					295.6555					
Historical acreages										
1998 Mound Plant Property		2005 Beal Survey								
305.116 acres		305.063 acres								
2017 BWSC reconciliation 305.0618										

Note:

Columns 1-9 taken from County property records and contain some typos/errors. Added the most current deed number for completeness. Columns 10 and 11 were added to clarify location.

Massie, Joyce (CONTR)

From: Smiley, Sue
Sent: Tuesday, February 21, 2017 3:05 PM
To: seely.david@epa.gov; Brian.Nickel@epa.ohio.gov
Cc: larry.kelly@emcbc.doe.gov; Hooten, Gwen; Smiley, Sue; Lutz, Melissa (CONTR); Massie, Joyce (CONTR); Zimmerman, Brian; Eric Cluxton (ecluxton@mound.com); Lorrie Huber (lhuber@mound.com); Records; Pawel, Steve (CONTR)
Subject: Mound Acreage Discrepancy (final BWS&C analysis)
Attachments: 170107 Overall Mound Parcels.pdf; 170107 Property Data Summary.pdf

David/Brian, FYI

Attached is final report from MDC contractor, Barge Waggoner Sumner & Cannon (BWS&C), re. analysis of acreage discrepancy for former Mound Site (reconciliation of original DOE property records, Montgomery County records, etc.). This report is consistent with discussions between BWS&C and Navarro (Steve Pawel) re. a slight error in the original BWS&C report. With correction of that error, the discrepancy is now down to -0.0012 acres.

Per discussion at the February 16, 2017 FFA Meeting, the remaining discrepancy is acceptable to the DOE-LM, U.S. EPA and Ohio EPA, and no further action is required.

Thank you, Eric, for providing attached final BSW&C report.

Sue Smiley

Site Manager, Fernald Preserve
U.S. DOE, Office of Legacy Management
10995 Hamilton-Cleves Highway
Harrison, OH 45030

Office: 513-648-3333

FAX: 513-738-2137

Mobile: 513-310-1279

sue.smiley@lm.doe.gov

From: Eric Cluxton [<mailto:ECluxton@mound.com>]
Sent: Thursday, February 16, 2017 1:00 PM
To: larry.kelly@emcbc.doe.gov; Smiley, Sue; Massie, Joyce (CONTR); Lutz, Melissa (CONTR)
Cc: Steve.Schultz@bwsc.net
Subject: Mound

Good afternoon,

Attached, please find the documents we discussed earlier today on the Mound acreage reconciliation. This should provide enough detail to reach closure on this topic.

Steve and his team at BWS&C did a wonderful job in the compilation.

Thank you,

Eric A. Cluxton

President

Mound Development Corporation

965 Capstone Drive

Suite 252

P.O. Box 232

Miamisburg, OH 45342

cell # 937-475-6527

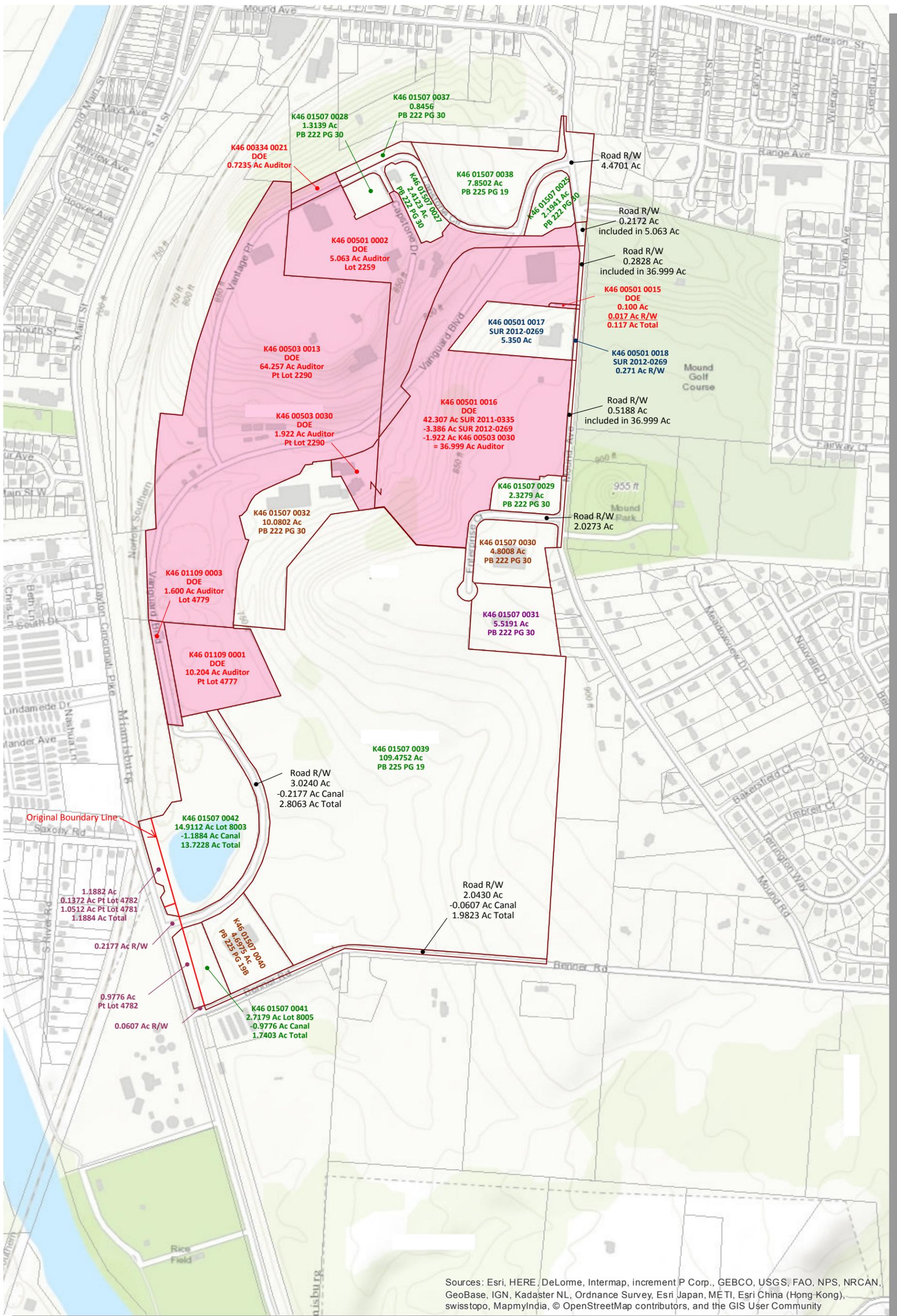
office # 937-865-3921

ecluxton@mound.com

www.mound.com



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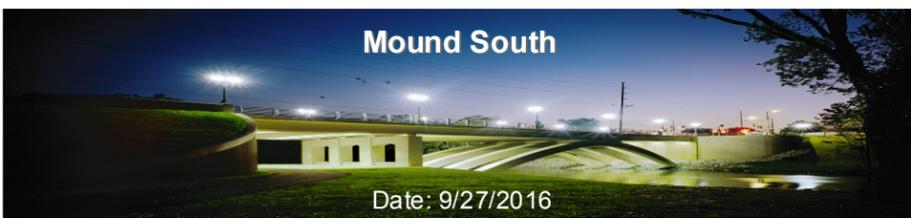
Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community



1 inch = 752 feet



Mound South



Date: 9/27/2016

The information contained in this map is a public resource for general information and is provided for use only as graphical representation. Montgomery County makes no warranty to the content, accuracy or completeness of the information contained herein and assumes no liability for any errors. Any reliance on this information is at the exclusive risk of the user.

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Parcels	County Auditor	BWSC	Add R/W	Total	Comments
Miamisburg	Acres	Acres	Acres	Acres	
K46 01507 0025	2.1941	2.1941	0.00	2.1941	PB 222 PG 30, Lot 7994
K46 01507 0027	2.4123	2.4123	0.00	2.4123	PB 222 PG 30, Lot 7996
K46 01507 0028	1.3139	1.3139	0.00	1.3139	PB 222 PG 30, Lot 7997
K46 01507 0029	2.3279	2.3279	0.00	2.3279	PB 222 PG 30, Lot 7998
K46 01507 0037	0.8456	0.8456	0.00	0.8456	PB 222 PG 30, Lot 8006
K46 01507 0038	7.8502	7.8502	0.00	7.8502	PB 225 PG 19A, Lot 8024
K46 01507 0039	109.4752	109.4752	0.00	109.4752	PB 225 PG 19B, Lot 8025
K46 01507 0041	2.7833	1.7403	0.00	1.7403	PB 225 PG 19B, Lot 8027
K46 01507 0042	14.8489	13.7228	0.00	13.7228	PB 225 PG 19B, Lot 8028
	<u>144.0514</u>	<u>141.8823</u>	<u>0.0000</u>	<u>141.8823</u>	

MDC

K46 01109T0007	0.0000	0.0000	0.00	0.0000	
K46 01507 0030	4.8008	4.8008	0.00	4.8008	PB 222 PG 30, Lot 7999
K46 01507 0032	10.0802	10.0802	0.00	10.0802	PB 222 PG 30, Lot 8001
K46 01507 0040	4.6975	4.6975	0.00	4.6975	PB 225 PG 19B, Lot 8026
	<u>19.5785</u>	<u>19.5785</u>	<u>0.0000</u>	<u>19.5785</u>	

BOI Solutions

K46 00501 0017	5.3500	5.3500	0.00	5.3500	SUR 2012-0269
K46 00501 0018	0.2710	0.2710	0.00	0.2710	Mound Road R/W
	<u>5.6210</u>	<u>5.6210</u>	<u>0.0000</u>	<u>5.6210</u>	

Dyrdek Group

K46 01507 0031	5.5191	5.5191	0.00	5.5191	PB 222 PG 30, Lot 8000
	<u>5.5191</u>	<u>5.5191</u>	<u>0.0000</u>	<u>5.5191</u>	

DOE

K46 00334 0021	0.7235	0.7235	0.00	0.7235	
K46 00501 0002	5.0630	4.8458	0.2172	5.0630	Mound Road R/W
K46 00501 0015	0.1170	0.1000	0.0170	0.1170	Mound Road R/W
K46 00501 0016	36.9990	36.1974	0.8016	36.9990	Mound Road R/W
K46 00503 0013	64.2570	64.2570	0.00	64.2570	
K46 00503 0030	1.9220	1.9220	0.00	1.9220	
K46 01109 0001	10.2040	10.2040	0.00	10.2040	
K46 01109 0003	1.6000	1.6000	0.00	1.6000	
	<u>120.8855</u>	<u>119.8497</u>	<u>1.0358</u>	<u>120.8855</u>	Acres

<u>295.6555</u>	<u>292.4506</u>	<u>1.0358</u>	<u>293.4864</u>	Acres
-----------------	-----------------	---------------	-----------------	-------

Road R/W	Comments
4.4701	Mound and Vanguard - PB 222 PG 30
0.0068	Mound and Vanguard - PB 229 PG 19A
0.2710	Mound - K46 00501 0018, SUR 2012-0269
2.0273	Mound and Enterprise - PB 222 PG 30
2.8063	Vanguard - PB 222 PG 30
0.0116	Vanguard - PB 229 PG 19B
<u>1.9823</u>	Benner - PB 222 PG 30
11.5754	R/W in Plats
<u>1.0358</u>	R/W In Parcels
12.6112	Total Road R/W

305.0618 Total Mound Acreage

305.063 Historical Acreage (305.116 Ac LJB)

-0.0012 Delta

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Appendix C

**Information on T Building Rooms with Special ICs:
T Building Special ICs Core Team Agreement and
Position Paper and 2010 Baseline Photos**

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T Building Rooms with Special ICs

In addition to the ICs for the entire site, the T Building has the following additional IC restrictions as described in the Parcels 6, 7, and 8 Record of Decision. The restrictions:

1. Prohibit the removal of concrete floor material in specified rooms of the T Building (Figure C-1) to offsite locations without prior approval from EPA, Ohio EPA, and ODH.
2. Prohibit the penetration of concrete floors in specified rooms of the T Building (Figure C-1) without prior approval from EPA, Ohio EPA, and ODH.

On June 29, 2009, the Mound Core Team signed an agreement for a position paper that provided policy guidelines for limited activities in these rooms that should not result in unacceptable risk to workers in the building.

The four-page agreement and position paper, known as the *T Building Special ICs Core Team Agreement and Position Paper* (of 6/29/2009) (DOE 2009a), is included in the CERCLA administrative record, in this appendix, and will be included in subsequent annual IC assessment reports.

Photos of T Building Rooms

The photos in this appendix show the baseline conditions of the rooms in April 2010. No changes have occurred since those photos were taken (Figures C-2 through C-47). Appendix D of this IC assessment report documents the condition of the cracks in the red concrete cap in Room T-44 (survey area 1C-10) and Room T-59 (survey unit 1C-21).

MDC took over maintenance of the T Building in December 2012 under the lease amendment No. 25 to the General Purpose Lease.

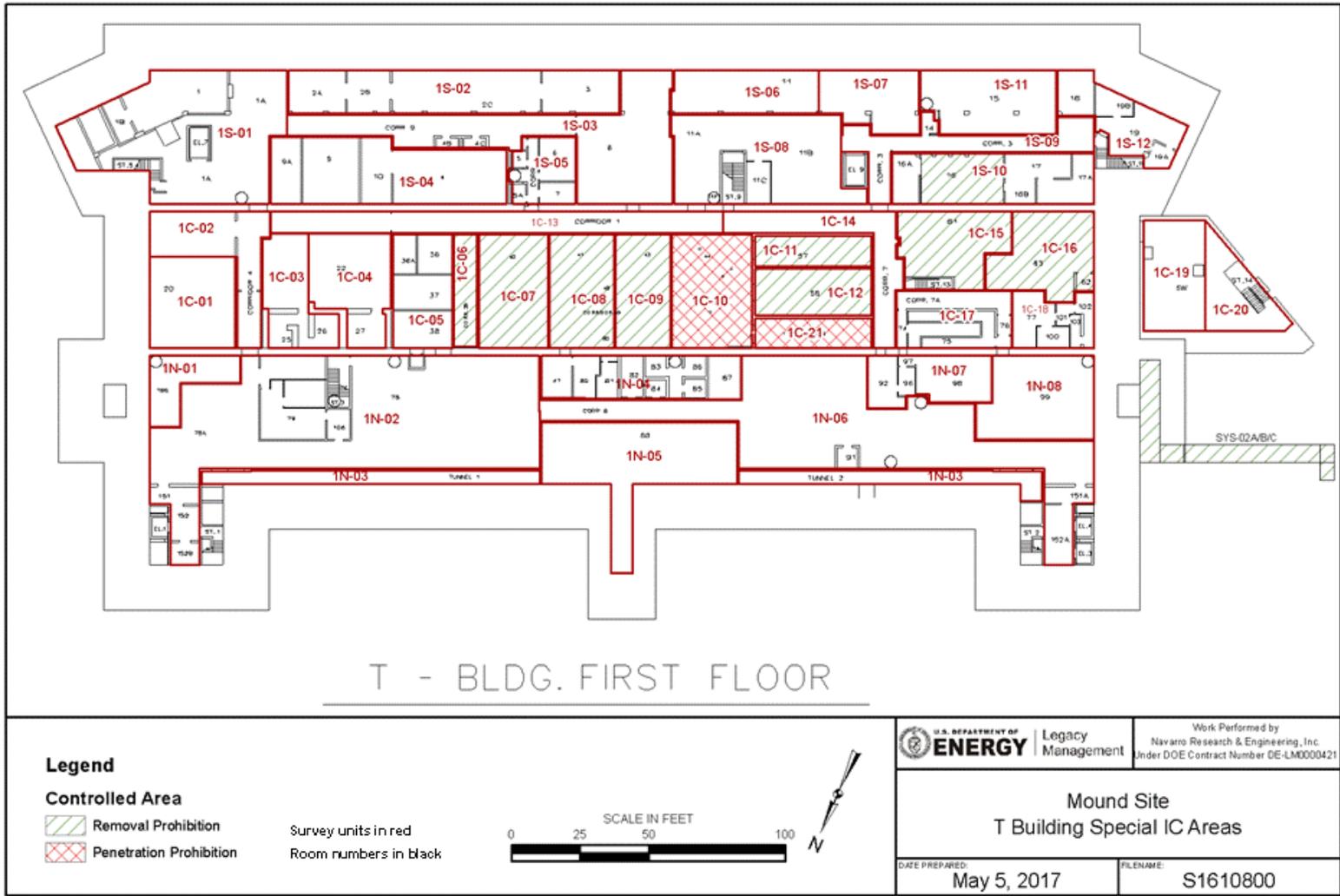


Figure C-1. T Building Rooms with Special ICs



The Mound Core Team
 P.O. Box 66
 Miamisburg, Ohio 45343-0066

6/29/09

As you know, The Proposed Plan for Parcels 6, 7 and 8 contains a restriction on the use of T Building which prohibits the penetration of concrete floors in rooms 50, 57 and 59 of T Building without prior approval from USEPA, OEPA, and ODH. The Miamisburg Mound Community Improvement Corporation (MMCIC) has asked the Core Team for a "blanket" approval to conduct limited activities in these rooms that should not result in an unacceptable risk to workers in the building.

The Core Team has evaluated this request and hereby grants approval for these activities provided they are conducted in accordance with the following policy guidelines:

1. Any driven penetration (e.g. concrete nails or explosive driven nails) of up to four inches in depth can be conducted without approval. As notification, the Core Team shall be provided a description of the activity, drawing of the room, and location of the proposed penetrations two weeks prior to physical activity.
2. Penetrations that involve removal of concrete shall be filled with concrete or steel. They shall not exceed four inches depth without approval of the Core Team. All penetrations of four inches or less requiring removal of concrete (drilling etc.) will require the submittal of a description of the activity, drawing of the room, and location of the proposed penetrations to the Core Team two weeks prior to the physical activity for notification purposes.
3. Any actions which remove or damage the concrete (including "driven penetrations") shall be filled within 120 days of completion.
4. Routine T Building occupants should be excluded from the area of activity for the duration of the renovation.

For your information, the Core Team has prepared the attached Position Paper which the Core Team used in its evaluation. MMCIC can use this Position Paper and these policy guidelines in determining which future activities may be acceptable to the Core Team in rooms 50, 57 and 59 of T Building. In any event, MMCIC must request approval for any activity not on this approved list.

DOE/MEMP: Paul C Lucas 7/14/09
 Paul C. Lucas, Remedial Project Manager

USEPA: Timothy J. Fischer
 Timothy J. Fischer, Remedial Project Manager

OEPA: Brian K. Nickel 7/14/09
 Brian K. Nickel, Project Manager

Position Paper
T Building Cap Areas Renovation Guidelines

Background: T Building (Technical Building) is a massively constructed building on the Mound site with ten foot thick heavily reinforced concrete floors and similarly robust ceilings and walls. During the remediation of the T Building, the contractor encountered bulk contamination of the floor and footings in certain areas. Attempts to complete remediation of the contaminated floor and footer in the west end of room 50 and east end of rooms 57 and 59 were technically and economically difficult to justify. Following an assessment of the risks involved to the building's structural integrity if removal of contaminated concrete continued (attached), a decision was made to leave the contaminated concrete sub floor and footer in place, and to add a cap of color coded (red) concrete to provide a margin of safety from the residual contamination. The Department of Energy (DOE) currently owns the facility and wishes to transfer ownership to the Miamisburg Mound Community Improvement Corporation (MMMIC) for future development. To ensure the health and safety of future workers and occupants of T Building, a deed restriction will be placed on T Building limiting the disturbance of concrete in those areas with residual contamination. This paper outlines some of the technical basis allowing latitude in the disturbance of the concrete cap.

As stated above, the DOE and its contractors evaluated the residual contamination to ensure that future worker safety was protected. Specifically future worker doses were modeled to ensure that they would not reasonably be expected to receive an additional 15 mrem of equivalent dose due to occupation in T Building. Samples of the residual contamination were taken. As a conservative measure, the average of the five highest areas of contamination was used as input for the entire area. This data was input into the RESRAD Build dose evaluation code. This code is jointly developed by the DOE and the Nuclear Regulatory Commission (NRC) for just this type of situation.

Under this scenario, two types of workers were evaluated. The first type was an office worker who occupies the building for an entire year. Doses for this type of worker were previously calculated and found to fall within the 15 mrem per year guidelines. The calculations for this type of worker assume that no renovation is occurring while that worker occupies the area, i.e. the concrete cap is intact. A second worker, the renovation worker, was originally modeled using similar physical characteristics of the building, but differing inputs commensurate with the type of work. For example, the breathing rates and occupancy rates for the renovation worker differ from that of an office worker. The original calculations for the renovation worker in T Building were 1.86 mrem. Of that dose, 0.17 mrem is due to direct radiation from the residual contamination under the protective cap. The remainder is from low level residual contamination throughout T Building.

A review of the Final Status Surveys for T Building indicates that the thickness of the cap is nominally 11 inches. It was placed at this thickness to bring the floor elevation level with the adjoining hallway floor surfaces. Based on the very low dose rates cited above (0.17 mrem) for external exposure, there is excess concrete serving as a shielding material for the bulk contamination below. This would allow for temporary removal or penetration of some portion of this concrete to allow for anchoring of equipment and walls of future tenants. It should be noted,

that in order to maintain the integrity of the calculations for the office worker, any floor penetration should be repaired or steel anchors inserted (steel being a better shield than concrete).

Calculations: As implied, records for the original calculations were retrieved from storage. Although it was generally known that excess concrete was placed, there was no known calculation of how much excess existed and none was found during the review of the records. The RESRAD Build calculations that were found used all 11 inches of concrete as shielding to arrive at the 0.17 mrem cited earlier. In addition, due to the presence of the cap, it was assumed that none of the contamination contained in the subsurface concrete and footers becomes airborne.

RESRAD Build continues to be maintained and updated by Argonne National Laboratory. The current version is slightly modified from the version originally used to model these doses. In order to ensure continuity, a baseline calculation was performed using the parameters from the original calculations. With only slight variations, they agreed. The original calculations indicated 1.70 mrem due to other building residual contamination. The new version calculated this same component to be 1.69 mrem. The total for both the cap area and the remainder of the building was 1.86 mrem for both versions, indicating strong agreement between the two.

In order to establish a margin of safety another calculation used the same input parameters except that the thickness of the cap was reduced by seven inches (to a nominal four inches total thickness). This further reduced thickness yielded an exposure to the renovation worker of 5.93 mrem. This remains protective of the renovation worker.

Recommendation: If the core team decides to allow penetration of the "red" concrete cap, it would be prudent to allow for some margin of safety to preclude accidental penetration to depths greater than currently analyzed. Note that the cap penetrations should be restored or replaced with anchors that provide similar or greater shielding capabilities. Recall also that one of the major assumptions is that the cap prevents the contamination below it from becoming airborne, so that the integrity of the cap must be maintained. Consideration must be given to the ability to ensure that recommendations are followed (i.e. penetrations are not greater than depth specified etc.). Also note that additional work could be carried out safely but may require additional analysis.

Policy Guidelines: As discussed, some guidelines should be established to administer penetration of the concrete in these areas. Such guidelines could be as follows:

1. Any driven penetration (e.g. concrete nails or explosive driven nails) of up to four inches in depth can be conducted without approval. As notification, the Core Team should be provided a description of the activity, drawing of the room, and location of the proposed penetrations two weeks prior to physical activity.
2. Penetrations that involve removal of concrete shall be filled with concrete or steel. They shall not exceed four inches depth without approval of the Core Team. All penetrations of four inches or less requiring removal of concrete (drilling etc.) will require the submittal of a description of the activity, drawing of the room, and location of the proposed penetrations to the Core Team two weeks prior to the physical activity for notification purposes.
3. Any actions which remove or damage the concrete (including "driven penetrations") shall be filled within 120 days of completion.
4. Routine T Building occupants should be excluded from the area of activity for the duration of the renovation.

(The floorplan to the right shows the camera angles for Figures C-2 through C-11.)

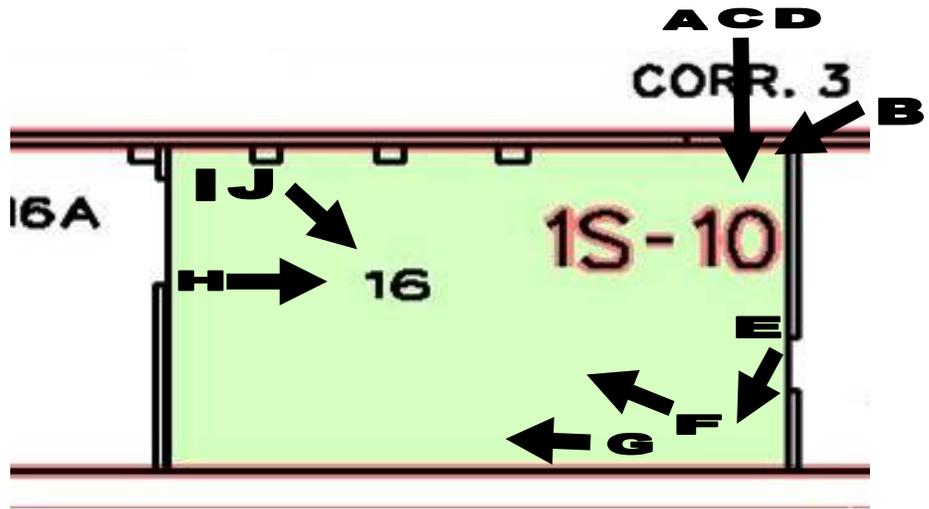


Figure C-2. T Building Room 16 View A



Figure C-3. T Building Room 16 View B



Figure C-4. T Building Room 16 View C



Figure C-5. T Building Room 16 View D



Figure C-6. T Building Room 16 View E



Figure C-7. T Building Room 16 View F



Figure C-8. T Building Room 16 View G



Figure C-9. T Building Room 16 View H



Figure C-10. Building Room 16 View I



Figure C-11. T Building Room 16 View J

(The floorplan to the right shows the camera angles for Figures C-12 through C-19.)

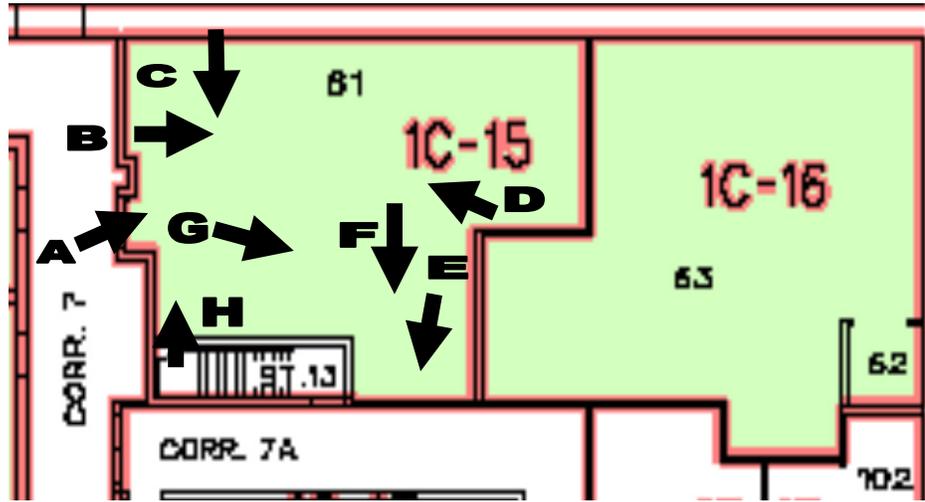


Figure C-12. T Building Room 61 View A



Figure C-13. T Building Room 61 View B



Figure C-14. T Building Room 61 View C



Figure C-15. T Building Room 61 View D



Figure C-16. T Building Room 61 View E



Figure C-17. T Building Room 61 View F



Figure C-18. T Building Room 61 View G



Figure C-19. T Building Room 61 View H

(The floorplan to the right shows the camera angles for Figures C-20 through C-31.)

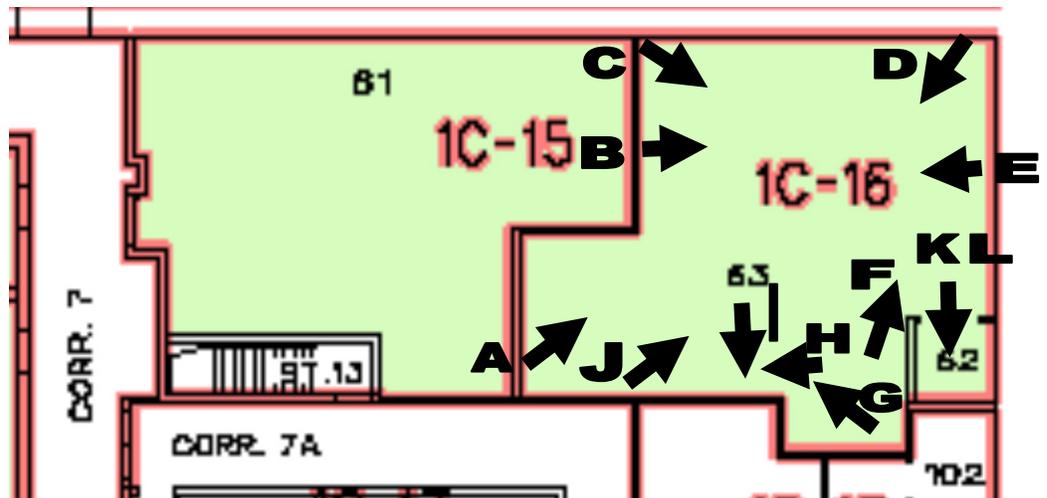


Figure C-20. T Building Room 63 View A



Figure C-21. T Building Room 63 View B



Figure C-22. Building Room 63 View C



Figure C-23. T Building Room 63 View D



Figure C-24. T Building Room 63 View E



Figure C-25. T Building Room 63 View F



Figure C-26. T Building Room 63 View G



Figure C-27. T Building Room 63 View H



Figure C-28. T Building Room 63 View I



Figure C-29. T Building Room 63 View J



Figure C-30. T Building Room 62 View K



Figure C-31. T Building Room 62 View L

(The floorplan to the right shows the camera angles for Figures C-32 through C-37.)

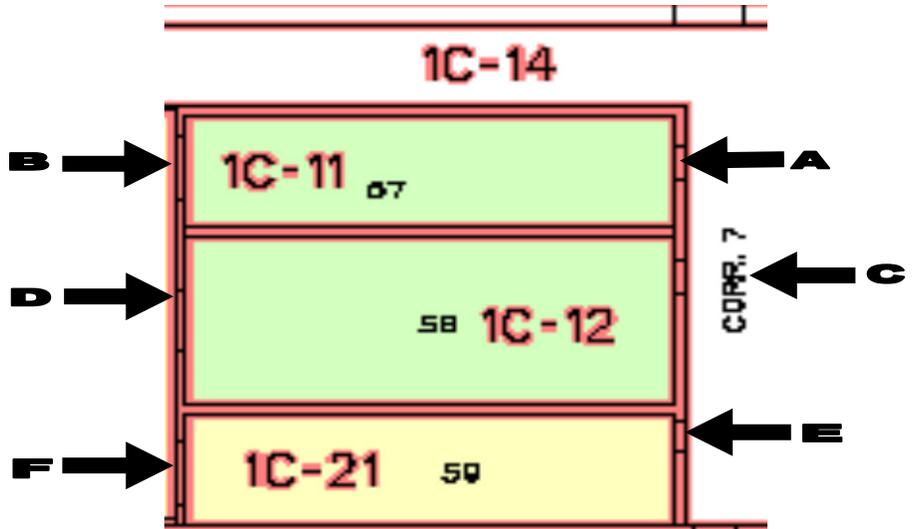


Figure C-32. T Building Room 57 View A



Figure C-33. T Building Room 57 View B



Figure C-34. T Building Room 58 View C



Figure C-35. T Building Room 58 View D



Figure C-36. T Building Room 59 View E



Figure C-37. T Building Room 59 View F

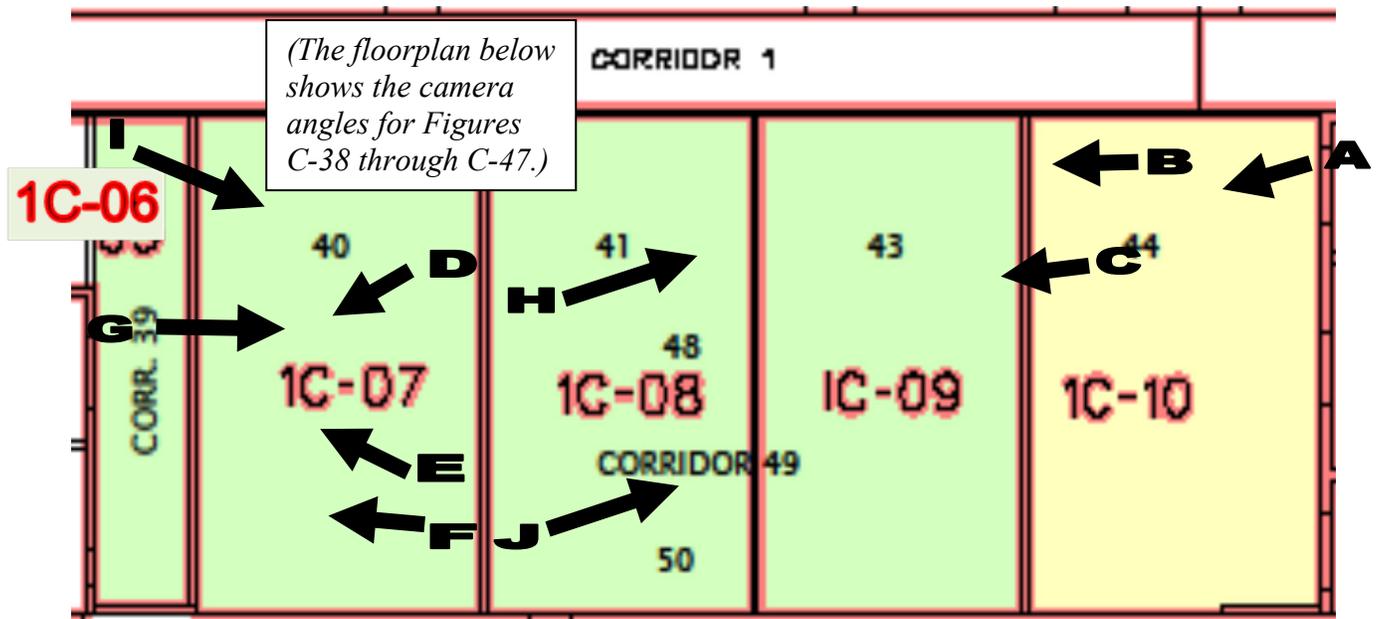


Figure C-38. T Building Rooms 39-44 and 48-50
View A



Figure C-39. T Building Rooms 39-44 and 48-50
View B



Figure C-40. T Building Rooms 39-44 and 48-50
View C



Figure C-41. T Building Rooms 39-44 and 48-50
View D



Figure C-42. T Building Rooms 39-44 and 48-50
View E



Figure C-43. T Building Rooms 39-44 and 48-50
View F



Figure C-44. T Building Rooms 39-44 and 48-50
View G



Figure C-45. T Building Rooms 39-44 and 48-50
View H



Figure C-46. T Building Rooms 39-44 and 48-50
View I



Figure C-47. T Building Rooms 39-44 and 48-50
View J

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Appendix D

Photos in 2017 of T Building Red Concrete Cracks

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T Building Red Concrete Cracks Photos

The photographs in Figure D-1 were taken on March 21, 2017, for the 2017 Mound Site Annual IC Assessment to document the current condition of the filled cracks in the red concrete in specified rooms in the T Building.

The locations of the crack monitoring points are shown in Figure D-2.



Monitoring Point A



Monitoring Point B



Monitoring Point C



Monitoring Point D



Monitoring Point E



Monitoring Point F

Figure D-1. Condition of the Cracks in the Red Concrete in Specified Rooms in the T Building, March 2017



Monitoring Point G



Monitoring Point H



Monitoring Point I

Figure D-1. Condition of the Cracks in the Red Concrete in Specified Rooms in the T Building, March 2017 (continued)

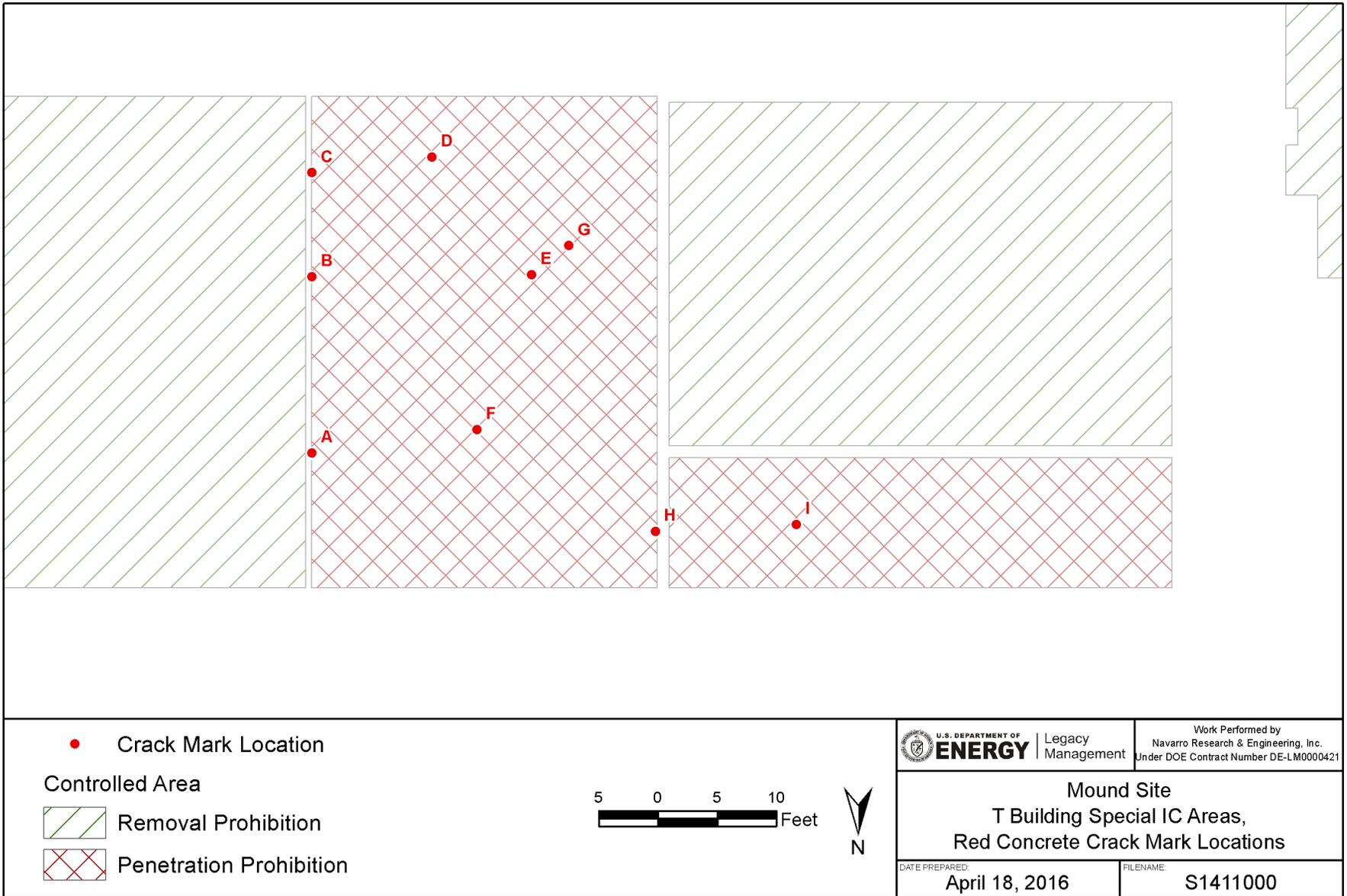


Figure D-2. Mound Site, T Building Special IC Areas, Red Concrete Crack Mark Locations

DRAFT

Description and Uses

ATC 100 is a single component elastomeric sealant without free isocyanates or solvents (VOCs.) It cures rapidly by drying to form a flexible joint between substrates. It has excellent adhesion to most materials including plywood, plastic, concrete, masonry and metal.

ATC 100 is a hybrid water, vapor, gas and radon resistant sealant polymer, specially designed to adhere to damp or dry surfaces, making it excellent for sealing cove joints and concrete floor cracks against radon, methane, water, water vapor and other soil gasses. ATC 100 is excellent for bonding plastic, concrete and other materials and substrates. ATC 100 is UV resistant and can be used on exterior and interior surfaces. ATC 100 can be painted after curing

Where to Use

- Cove joints
- Concrete floor cracks
- Interior or exterior

Advantages

- No VOCs
- Combines the best qualities of polyurethane and silicone sealant
- Non-yellowing
- Isocyanate free
- High bond strength
- Easy flow

Technical Data

Appearance	Pasty
Color	Grey
Density at 200 C	1.65 +/- 0.05
Sagging (ISO 73900)	No
Application Temperature	40 ^o -100 ^o F
Temperature resistance	-4 ^o -190 ^o F
Cure Time @ 750F and 50% HR	50 minutes
Skin Formation time @750F and 50% HR	24-36 Hrs
Final Shore A Hardness (ISO 868-3 sec.)	>30
Modulus at 100% (ISO 8339)	>70 psi
Elongation at Break (ISO 8339)	>140 psi
Resistance to dilute acids and bases	Good
UV Resistance	Excellent
Water and salt spray resistance	Excellent
Compatibility with paints	Yes

Application Instructions

Preparation:

The substrates must be clean, dry free of dust, oil, grease, and any contaminants that could harm bonding. All traces of poorly adhered paint or coatings should be removed beforehand. If the substrates to be cleaned, solvents such as methylethylketone (MEK) or acetone may be used. Check the compatibility of the solvent used with the substrates. It may be necessary to rub down the substrate beforehand. After rubbing down, the surface should be recleaned. Allow the substrate to dry after degreasing. Note: When using solvents, extinguish all sources of ignition and carefully follow the safety and handling instruction given by the manufacturer or supplier.

Caulking:

ATC 100 may be applied by manual or pneumatic gun.

After application, each joint should be tight up to the joint lip and smoothed with a putty knife. This product should be used within 24 hours of opening the cartridge. If stored in cold weather, store the cartridges at 70°F prior to use.

Drying Time

Skin time is 50 minutes. Full cure at 24 hours depending on temperature and humidity.

Clean Up

Tools should be cleaned with MEK or acetone before the sealant has completely cured. After curing, abrasion is necessary.

Storage and Shelf Life

12 months in the original hermetically sealed packaging between 40-75°F.

Packaging

10.4 oz cartridges

Safety

Not classified as hazardous. Read the MSDS before use.

Warranty

Recommendations concerning the performance or use of this product are based upon independent test reports believed to be reliable. If the product is proven to be defective, at the option of the Manufacturer, it will be either replaced or the purchase price refunded. The Manufacturer will not be liable in excess of the purchase price. The user will be responsible for deciding if the product is suitable for his application and will assume all risk associated with the use of the product. This warranty is in lieu of any other warranty expressed or implied, including but not limited to an implied warranty of merchantability or an implied warranty of fitness for a particular use.

THE FOREGOING WARRANTY SHALL BE EXCLUSIVE AND IN LIEU OF AN OTHER WARRANTY, EXPRESS OR IMPLIED INCLUDING WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR USE AND PURPOSE AND ALL OTHER WARRANTIES OTHERWISE ARISING BY OPERATION OF LAW, COURSE OR DEALING, CUSTOM, TRADE OR OTHERWISE

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Appendix E

Example of Real-Estate Easement for Utility Work Performed on MDC Property

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**SUPPLEMENTARY DECLARATION OF EASEMENT TO
REAL ESTATE EASEMENT NO. 99-OH-00011**

THIS SUPPLEMENTARY DECLARATION OF EASEMENT TO REAL ESTATE EASEMENT NO. 99-OH-00011 ("Supplementary Declaration of Easement") is made on this 17th day of March, 2003, by MIAMISBURG MOUND COMMUNITY IMPROVEMENT CORPORATION, an Ohio non-profit corporation ("Declarant") under the terms and conditions set forth below.

RECITALS:

A. By virtue of Real Estate Easement No. 99-OH-00011 executed on September 22, 1999, and recorded at Microfiche No. 99-0702D09 (the "Original Easement"), The United States of America, acting by and through the Department of Energy ("DOE"), granted to AMERITECH an easement for the installation of communication lines over the area depicted in the Original Easement (the "Original Easement Area"), described in Exhibit A, attached hereto and incorporated herein by reference.

B. By virtue of a Quitclaim Deed dated August 4, 1999, and recorded at Microfiche No. 99-0852B11 of the Montgomery County, Ohio Recorder's office, and by virtue of a Quitclaim Deed dated November 19, 1999, and recorded at Microfiche No. 99-0852B05 of such Recorder's office, The United States of America, acting by and through the Secretary of the DOE, conveyed to Declarant the real property described on Exhibit B, attached hereto and incorporated herein by reference ("Declarant's Property"), which property is burdened by the Original Easement.

C. Declarant now desires to expand the Original Easement Area on the terms and conditions set forth herein.

NOW, THEREFORE, in consideration of the recitals set forth above and the terms and conditions set forth below, Declarant hereby declares as follows:

1. Grant. Declarant hereby grants to AMERITECH, its successors and assigns, a permanent, non-exclusive easement upon, over and under the area of the Declarant's Property described in Exhibit C, attached hereto and incorporated herein by reference ("Expanded Easement Area"). By making use of the Expanded Easement Area, AMERITECH shall be deemed to have agreed to be bound by the terms and conditions of this Declaration.

2. Compliance With Restrictions. AMERITECH shall have reviewed the restrictions and covenants set forth in the Deeds by which DOE conveyed to Declarant the Declarant's Property prior to the construction or installation of any of AMERITECH's equipment. AMERITECH agrees that, as set forth in the Deeds, its use of the Expanded Easement Area is subject to the terms thereof, and further agrees to be bound to comply with the restrictions and covenants set forth therein, including without limitation, the following:

2.1 Excepting those soils in an area approximately 40 feet wide and 218.17 feet long, bounded on the east by the centerline of Mound Road as described above, Grantee covenants that any soil from the Premises shall not be placed on any property outside the boundaries of that described in instruments recorded at Deed Book 1214, pages 10, 12, 15, 17 and 248; Deed Book 1215, page 347; Deed Book 1246,

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Montgomery County
Judy Dodge Recorder

page 45; Deed Book 1258, pages 56 and 74; Deed; Deed Book 1256, page 179; Micro-Fiche 81-376A01; and Micro-Fiche 81-323A11 of the Deed Records of Montgomery County, Ohio (and as illustrated in the CERCLA 120(h) Summary, Notices of Hazardous Substances Release Block D, Mound Plant, Miamisburg, Ohio dated January, 1999) without prior written approval from the Ohio Department of Health (ODH), or a successor agency. AMERITECH warrants that it will make its officers, agents, contractors, employees, and others for whom it is responsible aware of the restriction on soil removal and contractually obligate agents and contractors to abide by this restriction.

2.2 Each utility provider covenants not to use, or allow the use of, the Declarant's Property for any residential or farming activities, or any other activities that could result in the chronic exposure of children under eighteen years of age to soil or groundwater from the Declarant's Property. Restricted uses shall include, but not be limited to:

- (1) single or multifamily dwellings or rental units;
- (2) day care facilities;
- (3) schools or other educational facilities for children under eighteen years of age; and
- (4) community centers, playgrounds, or other recreational religious facilities for children under eighteen years of age.

Declarant shall be contacted to resolve any questions that may arise as to whether a particular activity would be considered a restricted use.

2.3 AMERITECH covenants not to extract, consume, expose, or use in any way the groundwater underlying the Declarant's Property without the prior written approval of the United States Environmental Protection Agency (Region V) and the OEPA.

If there is any conflict between the terms of the Deeds and this Supplementary Declaration of Easement, the terms of the Deeds shall control.

3. Incorporation of Original Easement. This Supplementary Declaration of Easement incorporates by reference all of the terms, conditions and covenants of the Original Easement Agreement. By its acceptance of the easement granted in this Supplementary Declaration of Easement, AMERITECH hereby covenants to comply with and observe the terms, conditions and covenants of the Original Easement for the benefit of Declarant, its successors and assigns forever, and agrees that Declarant, its successors and assigns forever, shall have the right to enforce such terms, covenants and conditions. As used in the Original Easement, the term "premises" shall mean Declarant's real property, whether or not burdened by the easements granted herein or in the Original Easement, and all surrounding Government-owned real property. All notices required to be provided to the DOE under the Original Easement shall be provided to Declarant at 720 Mound Road, COS Bldg., Suite 480, Miamisburg, Ohio 45342-6714, Attn: Planning Manager, or such other address as provided by Grantor.

4. Reservation. Declarant reserves for itself, its successors and assigns forever, the right to use the Expanded Easement Area for any purpose not inconsistent with the rights conveyed to AMERITECH herein; provided however, that Declarant shall not use the Expanded Easement Area in a manner that will prevent or hinder its use by AMERITECH for the purposes provided herein.

5. Covenants Run with the Land: All covenants, agreements and conditions contained in this Supplementary Declaration of Easement shall be considered as running with the land.

IN WITNESS WHEREOF, the undersigned has executed this Supplementary Declaration of Easement on behalf of Declarant as of the day and year first set forth above.

DECLARANT:

MIAMISBURG MOUND COMMUNITY
IMPROVEMENT CORPORATION

By: Michael J. Grawinkelman

Printed Name: Michael J. Grawinkelman

Title: President

STATE OF OHIO, COUNTY OF MONTGOMERY, SS:

The foregoing instrument was acknowledged before me this 18th day of March, 2003, by Michael J. Grawinkelman the President of MIAMISBURG MOUND COMMUNITY IMPROVEMENT CORPORATION, an Ohio non-profit corporation, on behalf of said corporation.

Jean Wysock
NOTARY PUBLIC

Jean Wysock, Notary Public
In and for the State of Ohio
My Commission Expires June 28, 2004

This instrument prepared by:
Sharon L. Costello, Esq.
CooEdge Wall Womsey & Lombard Co., L.P.A.
33 W. First Street, Suite 600
Dayton, Ohio 45402

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Appendix F

Aerial Photo with ROD Parcel Boundaries, March 2016

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Figure F-1. Mound Site 2016 Aerial Photo Showing ROD Parcel Boundaries

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