

1304-0605020007



U.S. Department of Energy

Miamisburg Closure Project
1075 Mound Road
Miamisburg, Ohio 45342

MAY 5 2005

Mr. Tim Fischer
U.S. Environmental Protection Agency
77 W. Jackson Boulevard, SR-6J
Chicago, IL 60604

MCP-200-05

Mr. Brian Nickel
Ohio Environmental Protection Agency
401 E. Fifth Street
Dayton, OH 45402

Dear Mr. Fischer & Mr. Nickel:

Enclosed please find the Final "Annual Assessment of the Effectiveness of Institutional Controls applied to the Former Mound Site Property" dated July 21, 2004. This report was prepared in accordance with the "Operation and Maintenance Plan for the Implementation of Institutional Controls at the 1998 Mound Plant Property, Phase I Parcel Update, Rev. 0," and summarizes the results of DOE's inspection of Parcels D, H, 4, 3 and Phase I on May 18, 2004, and DOE's inspection of City of Miamisburg and Miamisburg Mound Community Improvement Corporation (MMCIC) records on May 13, 2004.

If you have any questions on the enclosed final report, please contact me at (937) 847-8350, ext. 309.

Sincerely,

Margaret L. Marks
Director

Enclosure: As Stated

- cc w/enc:
- Paul Lucas, DOE-MCP
- Cliff Carpenter, DOE-LM
- Ron Staubly, DOE-LM
- David Seely, USEPA
- Jane O'Dell, OEPA
- Celeste Lipp, ODH
- Jim Webb, ODH
- John Lehew, CH2M Hill
- Monte Williams, CH2M Hill
- Frank Bullock, MMCIC
- Beth Moore, City of Miamisburg
- Donna Gallaher, SM Stoller
- CERCLA Administrative Record

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ANNUAL ASSESSMENT
of the
EFFECTIVENESS OF INSTITUTIONAL CONTROLS
applied to the former
MOUND SITE PROPERTY

prepared by the
U.S. Department of Energy
Miamisburg Closure Project

July 21, 2004





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A handwritten signature in black ink, appearing to read "Margaret L. Marks".

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INTRODUCTION

In accordance with the "Operation and Maintenance (O&M) Plan for the Implementation of Institutional Controls at the *1998 Mound Plant Property*, Phase I Parcel update, Rev. 0," the U.S. Department of Energy (DOE) Miamisburg Closure Project (MCP) is required to perform an annual assessment of the effectiveness of institutional controls (IC) applied to discrete land parcels that comprise the former Mound Site Property. The annual review must be documented in a draft report submitted to the U.S. Environmental Protection Agency (USEPA) and the Ohio Environmental Protection Agency (OEPA) no later than June 13th of each year. The O&M Plan states that DOE may petition the regulators to change the frequency of the review after the DOE Environmental Management (EM) mission is complete at the MCP. The DOE may also conduct a review of the ICs, at any time, if there is reason to believe a degradation of the ICs has occurred.

The DOE's annual review consists of a visual inspection of the property, discussions with local government offices, and a records review. During the visual inspection, the DOE (or its agent) will determine if new facilities have been constructed, if obvious improvements have been made to the property, and/or if property usage may have changed. The USEPA, OEPA and the Ohio Department of Health (ODH) must be contacted 30 days in advance (or as otherwise agreed to) of the DOE's inspection. The previous year's inspection provides the basis for determining the nature and extent of property improvements (e.g., has a building been constructed since the previous year's inspection? If so, excavation occurred on that parcel). At a minimum, the visual inspection will include a physical walk-over of each land parcel that has completed the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) 120(h) requirements for property transfer. Discussions with local government offices and records reviews will include, at a minimum, contacting the offices of the City of Miamisburg Engineering and Planning Departments to obtain information regarding construction, street

opening, occupancy or other permits, as well as requests for zoning modifications, issued for land parcels that comprise the former DOE Mound Site Property (specifically, those land parcels which have completed the CERCLA 120(h) process for property transfer).

OVERVIEW OF PARCEL TRANSFER PROCESS

In January 1998, the DOE executed a sales agreement with the DOE-designated Community Reuse Organization (CRO). The agreement calls for transfer of discrete land parcels to the Miamisburg Mound Community Improvement Corporation (MMCIC), via a series of quit claim deeds, once those parcels have been declared excess to DOE's needs and the requirements of CERCLA 120(h) have been met for property transfer. Once the MMCIC acquires ownership of individual land parcels, the parcel becomes part of the Mound Advanced Technology Center (MATC), a light industrial/technology park operated by the MMCIC. In March 1999, the first land parcel (Parcel D) was transferred to the MMCIC. Parcel D contained approximately 12.5 acres of land and two buildings. In August 1999, Parcel H was transferred to the MMCIC. Parcel H contained approximately 14.3 acres of land, a large parking lot, and a site access road. In April 2001, a third parcel (Parcel 4) was transferred to the MMCIC. Parcel 4 contained approximately 95 acres of undeveloped land. In August 2002, a fourth parcel (Parcel 3) was transferred to the MMCIC. Parcel 3 contained approximately 5 acres of land and Buildings GH and GP-1. On July 31, 2003, the Record of Decision (ROD) for a fifth parcel (Phase I parcel) was executed, and on December 11, 2003, the U.S. EPA approved transfer of the parcel to the MMCIC. The Phase I parcel contains approximately 52 acres of land and several buildings. At this point in time, the DOE has yet to offer, for conveyance via quit claim deed, the Phase I parcel to the MMCIC.

Since the O&M Plan applies to land parcels that have undergone the CERCLA 120(h) process for property transfer, whether or not title to those parcels is immediately transferred to the MMCIC is irrelevant, in terms of DOE's annual reporting requirement. This particular annual report includes Parcels D, H, 4, 3 and Phase I. These five land parcels represent approximately 58% of the total acreage that comprised the original Mound Site Property. At the time this annual report was written, the remaining acreage still subject to completion of the CERCLA 120(h) requirements had been divided into three parcels (Parcels 6, 7 and 8). The CERCLA 120(h) requirements for Parcels 6, 7 and 8 are scheduled for completion no later than December 2006. However, the geographic boundaries and specific dates for the CERCLA and land-transfer processes for Parcels 6, 7 and 8 are subject to change until completion of the environmental restoration contract at the former Mound Site Property. Refer to Figure 1 for a map of the original boundaries of the former DOE Mound Site Property (DOE acreage totaling slightly more than 305 acres). Land parcels that have been color-coded grey correspond to the five parcels that have completed the CERCLA 120(h) process to-date. Land parcels that have yet to complete the CERCLA 120(h) process (currently designated as Parcels 6, 7 and 8) are color-coded yellow.

OVERVIEW OF INSTITUTIONAL CONTROLS

The Mound Site Property is being remediated to achieve USEPA's risk-based industrial/commercial use standards. After that, the remaining DOE mission will be limited to operation and maintenance (O&M) of the CERCLA remedies (including institutional controls and any engineering controls) associated with land parcels that were originally owned by the DOE. Consistent with the definition of "site" in the CERCLA statute, any privately-owned properties that have been impacted by DOE operations, and for which a Record of Decision has been executed, may also be subject to O&M requirements including, but not limited to, institutional controls. The RODs, for all parcels that have completed the CERCLA 120(h) process to-date, include the requirement for DOE to perform this annual review of the effectiveness of Institutional Controls (IC) in the form of deed restrictions. The ROD for each parcel includes the deed restriction language embedded in the quit claim deed for the parcel. The deed restrictions are communicated to the landowner via the quit claim deed. The quit claim deed includes the "CERCLA 120(h) Summary Notice of Hazardous Substances" for the parcel, and the quit claim deed is recorded with Montgomery County as a matter of public record. By recording both the quit claim deed and the CERCLA Summary document with the County, all future property owners will be cognizant of the deed restrictions associated with their property.

For the five parcels that have completed the CERCLA 120(h) process to-date, there are three deed restrictions. The first deed restriction prohibits the removal of soil from the original Mound Site Property boundaries without prior written approval from the ODH, OEPA and USEPA (or their successor agencies). The second deed restriction limits land use to industrial/commercial only. Each parcel ROD identifies land uses which will not be permitted onsite, but the list is not meant to be 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 under 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;
- day care facilities;
- schools or other educational facilities for children under 18 years of age; and
- community centers, playgrounds, or other recreational or religious facilities for children under 18 years of age.

The third deed restriction prohibits the extraction, consumption, exposure or use in any way of the groundwater underlying the premises, without prior written approval from the USEPA and the OEPA. The residual risk evaluations completed for the first five parcels have indicated a potential for elevated risk to the future users of the Mound groundwater. Currently, the DOE Mound Site Property is a non-municipal public drinking water supply and, as such, the DOE's potable water meets all regulatory requirements for consumption/exposure/use. The results of the current groundwater risk evaluation, which are based on the concentration of contaminants from the two operating DOE production wells, fall within the acceptable risk and hazard ranges. In addition, the groundwater from the DOE production wells is required to meet the Safe

Drinking Water Act standards. Therefore, USEPA and OEPA agree to the current use of the DOE production wells as a source for potable water for the DOE facility and for consumers on parcels that DOE has transferred to the MMCIC. It is anticipated, in the future, that the Mound Site Property will be connected to the City of Miamisburg municipal water supply, and the DOE production wells presently in use will be abandoned by DOE. Accordingly, the DOE, MMCIC and the City of Miamisburg have been working together since January 2003 to establish a mutually-agreeable schedule for accomplishing the tie-in. DOE's present plans call for tie-in to the municipal water supply in 2004.

It is important to note that the preceding language on the deed restrictions applied to all land parcels that have completed the CERCLA 120(h) process to-date is meant to be a summary only. Readers are encouraged to consult the ROD for individual land parcels in order to understand the parcel-specific deed restriction language. The parcel RODs, as well as other parcel-specific CERCLA documents, are available in the DOE Public Reading Room located at 305 Central Avenue, Miamisburg, Ohio 45342. The primary purpose of this annual report is to document the effectiveness of the ICs that have been applied to parcels that have completed the CERCLA 120(h) process for property transfer, including a determination of whether or not a particular IC has been violated on a discrete land parcel.

PERIOD OF REVIEW

This annual report covers Parcel D, since its ROD was issued on March 15, 1999; Parcel H, since its ROD was issued on July 22, 1999; Parcel 4, since its ROD was issued on March 12, 2001; Parcel 3, since its ROD was issued on August 28, 2001; and the Phase I parcel, since its ROD was issued on July 31, 2003. The MMCIC is the property owner of Parcels D, H, 4 and 3, however, the DOE still owns the Phase I parcel. Refer to Figure 1 for a map of the original boundaries of the former DOE Mound Site Property, and the boundaries of the first five land parcels that have completed the CERCLA 120(h) process. This report, and all future reports, will cover land parcels whose RODs were signed since issuance of the last annual report on the effectiveness of ICs. Data contained within each annual report will not be duplicative of data contained in reports from previous years. Instead, each annual report will identify "new" information, such as new construction, demolition or excavation, lot-splits or sale of parcels to new landowners, and permits filed with the City of Miamisburg by landowners since the last reporting period. As stated earlier, previous annual reports are available in the DOE Public Reading Room.

AERIAL VIEW OF THE FORMER MOUND SITE PROPERTY

Figures 2 and 3 are aerial photographs (taken in April 2002) of the original DOE Mound Site Property, as a whole (i.e., including property still owned by the DOE, as well as land parcels that the DOE had already transferred to the MMCIC). These aerial photos give the reader a better understanding of each parcel's relationship to the site, as a whole, as well as the proximity of the

site to downtown Miamisburg, Ohio, and surrounding residential and recreational areas. Figures 2 and 3 also give the reader a sense of orientation upon reading later sections of this annual report, which document the results of a physical inspection of each parcel. The aerial photos also complement photographs taken at ground-level in each parcel during the physical inspections.

Figure 2 is a photograph of the original DOE Mound Site Property, looking due south. Parcel H is in the foreground (a large parking lot and MMCIC's new entrance to the site, off of Mound Road), and Parcel D is in the upper left corner of the photo (two buildings only). Parcels D and H are both bounded to the east by Mound Road. Parcel 4 is at the top of Figure 2; the parcel is bounded to the west by Old State Route 25. The Great Miami River lies to the west of Old State Route 25. Parcel 4 is bounded to the south by Benner Road. Parcel 3 is at the center-bottom of Figure 2. Parcel 3 is bounded to the north by the escarpment dropping down to the Great Miami River. The Phase I parcel is comprised of three sub-parcels -- the Phase I.A sub-parcel is to the immediate north of Parcel D and contains one building; the Phase I.B sub-parcel is to the west of Parcel D, directly north of Parcel 4, and contains several buildings; and the Phase I.C sub-parcel is at the northwest corner of Parcel 4 and contains no buildings.

Figure 3 is a photograph of the original DOE Mound Site Property, looking north/northeast. In this photo, it is easier to discern Parcel 4 (although the photo does not show the extreme southern and eastern boundaries of the parcel) and the three sub-parcels that comprise the Phase I parcel. Figure 3 shows the proximity of Parcel 4 to Parcel D; Parcel D includes the two buildings at the center-right edge of the photo. Figure 3 also shows the clear-cut area beneath the overhead utility lines running north-south across Parcel 4 (the clear-cut area runs diagonally up across the photo, beginning at the lower right corner of the photo). The clear-cut area provides a useful reference point/land-mark within Parcel 4. Parcel H is at the center-top of Figure 3, and the photo also shows how close Parcels H and D are to the Mound Municipal Golf Course and the Indian Mound (both of which can be seen in the open green space at the top-right of the photo). Parcel 3 is at center left in Figure 3; this view gives the reader an idea of how close the original Mound Site Property is to residential areas and downtown Miamisburg.

Figure 4 is a digitized aerial photo (taken in April 2004) of the original boundaries of the Mound Site Property. Figures 5 through 11 are digitized aerial photos of Parcels D, H, 4, 3, and the three sub-parcels that comprise Phase I, respectively, and are provided for comparison purposes to Figure 1 (parcel map). The high resolution of these digital photographs enable the reader to better-understand the relative locations of buildings, groundwater monitoring wells, etcetera, located on each parcel. DOE's June 2003 report on the effectiveness of ICs includes /digitized photos taken in March 2003. The digitized photos taken in 2003 and 2004 were associated with a technology demonstration funded by DOE in Fiscal Years 2003 and 2004. In future years, DOE will take additional aerial photos, including digitized images. However, if the DOE's technology demonstration does not show that such high-resolution digitized images are a cost-effective method to monitor property owners' compliance with IC's, future annual reports on the effectiveness of IC's may not include digitized images with the same degree of high resolution that is evident in Figures 4 through 11 of this annual report.

SUMMARY OF PREVIOUS YEAR'S INSPECTION

Based upon the results of a physical inspection, document review and personnel interview process performed in May 2003 for Parcels D, H, 4 and 3, the DOE and its regulators agreed that the institutional controls were operating as designed, adequate oversight mechanisms were in place to identify possible violations of those controls, and adequate resources were available to correct or mitigate any problems in the event that a violation were to occur. There were two recommendations from the 2003 report; the first recommended the use of a global positioning system (GPS) device to locate groundwater monitoring wells; this will become increasingly important post-closure, as the DOE-EM personnel "corporate memory" of where individual wells are located fades. The second recommendation is for implementation after DOE has determined which groundwater wells should remain post-closure (the remaining wells would be abandoned); for wells that remain post-closure, each should be clearly marked with an identification number. In addition, a well collar preventive maintenance program should be implemented that prevents contaminants in surface water or ground debris from entering well casings.

SUMMARY OF INSPECTION PERFORMED IN MAY 2004

On May 18, 2004, the following personnel performed a visual inspection of Parcels D, H, 4, 3 and Phase I: Paul Lucas (DOE Remedial Project Manager), David Seely (USEPA Remedial Project Manager), Brian Nickel (OEPA Remedial Project Manager), Sue Smiley (DOE-EM/MCP), Ron Staubly (DOE-LM), Jane O'Dell (OEPA), Beth Moore (City of Miamisburg), Dann Bird (MMCIC), Monte Williams (CH2M Hill Mound, Inc.) and Mark Gilliat (CH2M Hill Mound, Inc.). The results of the visual inspection for each parcel are summarized in the following paragraphs. A copy of the field inspection checklist for each parcel is also included at the end of this report (i.e., first un-numbered page of document).

Parcel D:

In Parcel D, there were no observations of non-compliance with the ICs, including no evidence of unauthorized well installation or soil removal from the original boundaries of the Mound Site Property. There were two piles of staged sand in the southeast corner of the parcel. These piles were fill material that MMCIC imported to the site, and the piles have remained un-changed since they were described in the 2003 annual report. Groundwater monitoring well # 351 on Parcel D was padlocked and in good repair (Figure 12). The former Salt Storage Shed (now empty), located in the Phase I parcel, is visible in the background of Figure 12. Well # 351 includes a permanent identification number (see Figure 13) in the concrete pad for the well collar. Not all of the wells on the former Mound Site Property include this particular form of permanent identification.

Parcel H:

In Parcel H, there were no observations of non-compliance with the ICs, including no evidence of unauthorized well installation or soil removal from the original boundaries of the Mound Site Property. Groundwater monitoring well # 332 (a flush-mount well located in a parking lot) was in good repair/secure (see Figure 14). In the background of this photo, note well # 332's proximity to Building 61 (located on DOE property), Mound Road, the Mound (municipal) Golf Course, and the Indian Mound (municipal park). Well # 332 also has a permanent identification number (see Figure 15). There are DOE and OEPA air monitoring stations located on the southeast corner of Parcel H, however; air monitoring is not a part of the CERCLA remedy for Parcel H. Figure 16 shows the two air monitoring stations (and associated electrical cabinet) in the background, and a pile of landscaping stones and other construction materials staged by the MMCIC in the northeast corner of the parking lot. Refer to previous year's inspection reports for additional photos of items typically staged by the MMCIC in this parking lot.

Parcel 4:

In Parcel 4, there were no observations of non-compliance with the ICs, including no evidence of unauthorized well installation or soil removal from the original boundaries of the Mound Site Property. Parcel 4 experienced the greatest change, since last year's inspection, due to significant new construction by the MMCIC on the west side of the parcel. The MMCIC built a brand-new "Flex" building (see Figures 17 through 23) to the south of Vanguard Boulevard, near the intersection of Old State Route 25. At the time of the inspection, the MMCIC had negotiated a lease of the entire building to a single tenant, however, the tenant had yet to take occupancy. The new tenant's line of business will be consistent with the City of Miamisburg's I-2 General Industrial District Zoning ordinance. Figure 17 shows the front-side of the Flex building, and landscaping that is still in progress. Figure 18 shows the entrance to the Flex building area, off of Vanguard Boulevard. Figure 19 shows the area to the left (east) of the Flex building, and the significant landscaping project that is still underway. Figure 20 is a view from the back-side of the Flex building, and shows the back-entrance to the building, via Benner Road. Landscaping is still underway on the back-side of the building as well. Figure 21 is an additional view of the back-side of the Flex building, showing the dumpster screen, landscaping work in progress, and temporary erosion control measures. Figure 22 shows the intersection of Benner Road and the back-entrance to the Flex building. Old State Route 25 and the City of Miamisburg's wastewater treatment plant are visible in the background of the photo. Figure 23 shows the right (west) side of the Flex building, the landscaping work in progress, and the temporary erosion control measures. Prior to initiating construction of the Flex building, the MMCIC provided the builder with a pre-construction package that included a description of the IC's associated with Parcel 4. This ensures the builder is aware of the prohibition against removing any soils from the original boundaries of the Mound Site Property. A copy of materials from the MMCIC's pre-construction package is located immediately after the field inspection checklists in this annual report.

The MMCIC's "Comprehensive Reuse Plan" (last updated in December 2003) identifies each building at the Mound Advanced Technology Center as its own lot (eventually, the MMCIC plans to plat the entire Mound Site Property). In order for the MMCIC to receive financing (e.g., for new construction) on land parcels that comprise the original Mound Site Property, the MMCIC must record a lot split with the Montgomery County Recorder's Office. The MMCIC has already initiated action, and received approval from the Miamisburg Planning Commission, to do a 4.699-acre lot split of that portion of Parcel 4 that contains the Flex building. This is the first time the MMCIC has done a lot split of a discrete land parcel. A copy of the Minutes from the October 6, 2003 meeting of the Miamisburg Planning Commission, approving the lot split, is located in this annual report (immediately behind the MMCIC's pre-construction package for the Flex building). In the near future, the MMCIC plans to record the Parcel 4/Flex building lot split with the Montgomery County Recorder's Office. It is worth noting that, in the event that the MMCIC does not require financing for property improvements it conducts within a parcel, the MMCIC may not immediately record an approved lot split with the County. However, if the MMCIC later decides to sell that property, the MMCIC would need to record the lot split with the County at that time. The recorded real estate documentation would include the original quit claim deed that DOE issued to the MMCIC for the parcel, as a whole, as well as the "CERCLA 120(h) Summary Notice of Hazardous Substances" associated with the original parcel. This will ensure that future property-owners, of individual lot splits, remain aware of the IC's imposed on acreage that lies within the boundaries of the original parcels that DOE conveyed to the MMCIC.

Several piles of construction rubble were staged in the southeast corner of Parcel 4 (see Figures 24 and 25). These piles were associated with work performed by the MMCIC in the vicinity of COS Building (a DOE-owned, MMCIC-leased building). Since these (clean/free-release) soils were removed from DOE property, the MMCIC coordinated with DOE on the placement of those soils in Parcel 4. For all excavation work on DOE property, the DOE prepares an "Excavation/Soil Disturbance Permit." The DOE permit associated with the work performed in the COS Building parking lot is included in this annual report (immediately behind the Minutes from the October 6, 2003 meeting of the Miamisburg Planning Commission). This DOE permit is included in this annual report in order to demonstrate the "chain of custody" for these particular (clean) soils removed from one portion of the Mound Plant Site (in this case, from DOE-owned property) and placed at another location on the Mound Plant Site (in this case, to MMCIC-owned property). The DOE would not typically place clean soils on MMCIC-owned property, unless the MMCIC specifically requests those soils (e.g., to use as filler or road base), such as was the case with the COS Building soils moved to Parcel 4. Nor would these annual reports on the effectiveness of IC's show permits executed by the DOE in order to manage the intra-site movement of soils between one area of DOE-owned property to another area of DOE-owned property.

There are three groundwater monitoring wells on Parcel 4. Two of these wells have been in existence for some time, and the third well was installed in the Spring of 2002. Well # 158 is located near the intersection of Benner Road and Old State Route 25, and is in an area of high pedestrian (public) traffic (see Figures 26 and 27). There is no concrete pad around the well collar, and the casing extends above-ground in a grassy area located between a paved sidewalk

and a landscaped area. The MMCIC plans to expand the nearby landscaping to include the area surrounding well # 158. This should keep pedestrian traffic away from the well, and further protect the well from inadvertent damage caused by the MMCIC's lawn maintenance activities. Well # 354 is located near the northern boundary of Parcel 4, and is accessible via a clear-cut area beneath overhead utility lines running north-to-south across the parcel. This well includes a permanent identification number in the concrete pad for the well collar (Figure 28). Well # 354 was padlocked and in good repair. Well # 444 is also located on the northern boundary of Parcel 4, near the boundary of Parcel 4 and the Phase I parcel (Figure 29). This well was installed by the DOE in the Spring of 2002 to determine if Trichloroethylene (TCE) contamination in an up-gradient well (i.e., Well # 411 on the Phase I parcel) is migrating down-gradient. Well # 444 was padlocked and in good repair. Since the last reporting period, air monitoring station # 217 (which used to be located on Parcel 4 near the intersection of Benner and Mound Roads) was moved to the Phase I parcel. However, air monitoring is not a part of the CERCLA remedy for either Parcel 4 or the Phase I parcel. A United States Geological Service (USGS) marker is also located on Parcel 4, near the intersection of Benner and Mound Roads; a photograph of this marker is included in last year's inspection report.

Parcel 3:

In Parcel 3, there were no observations of non-compliance with the ICs, including no evidence of unauthorized well installation or soil removal from the original boundaries of the Mound Site Property. There are no groundwater monitoring wells located on Parcel 3. The parcel remains virtually unchanged (i.e., two buildings and three parking lots) since DOE transferred the property to the MMCIC in August 2002. Refer to previous year's annual reports for a variety of photographs of Parcel 3. Since last year's annual inspection, a sink-hole has developed in the asphalt parking lot at the southeastern end of the parcel (see Figure 30). This sink-hole is located on MMCIC property, but is associated with the DOE's original site-wide storm sewer drainage network. The DOE no longer needs this portion of the drainage network, and has no plans to repair the pipe, however, the MMCIC may repair the pipe since this portion of the drainage network carries stormwater run-off from the parking lot located in Parcel 3. In the interim, temporary barricades have been installed to keep pedestrians out of the area. This sink-hole does not affect any of the IC's associated with Parcel 3, nor does it affect ongoing environmental restoration on DOE-owned property and/or the CERCLA remedies associated with any other DOE- or MMCIC-owned properties associated with the original Mound Plant Site.

Phase I parcel:

In the Phase I parcel, there were no observations of non-compliance with the ICs, including no evidence of unauthorized well installation or soil removal from the original boundaries of the Mound Site Property. As mentioned in an earlier section of this report, the Phase I parcel is divided into three sub-parcels (none of which are contiguous with one another). At this point in time, none of the Phase I sub-parcels have been transferred to the MMCIC. Unlike Parcels D,

H, 4 and 3, the Phase I parcel includes both an IC remedy and a Monitored Natural Attenuation (MNA) Remedy. Eight (8) groundwater monitoring wells and one groundwater seep are included in the "Phase I Remedy (Monitored Natural Attenuation) Groundwater Monitoring Plan." Five of the eight wells, and the seep, are located in the Phase I parcel. One of the eight wells (well # 444, refer to Figure 29) is located in Parcel 4, and the remaining two wells (well #'s 353 and 402) are located in DOE-owned property to the immediate north of the Phase I.C sub-parcel. This annual report documents the effectiveness of the Institutional Controls remedy applied to the Phase I parcel (and Parcels D, H, 4 and 3); this report does not include a determination of the effectiveness of the MNA remedy associated with the Phase I parcel. However, since well #'s 353 and 402 fall outside the boundaries of the Phase I parcel, but are included in the Phase I MNA remedy/groundwater monitoring plan, these two wells are mentioned briefly in this report. Figure 31 shows well # 353, and its proximity to the DOE's staging area for empty containers (e.g., SeaLand containers) and the former rock-crushing area. Well # 353 was padlocked and in good repair. Figure 32 shows well # 402 on DOE property, and (looking due south), the MMCIC's new Flex Building on Parcel 4. Well # 402 was padlocked and in good repair. There are four other monitoring wells located in the Phase I parcel -- well #'s 442 and 399 in the Phase I.B sub-parcel, and well #'s 344 and 319 in the Phase I.C sub-parcel. However, none of these four wells are subject to the Phase I MNA remedy/groundwater monitoring plan.

Of the 5 wells located in the Phase I parcel (and which are subject to the monitoring requirements in the Phase I MNA remedy/groundwater monitoring plan), well #'s P033 and 400 (located in the Phase I.C sub-parcel) are screened in the Buried Valley Aquifer (BVA), well # 445 is a bedrock well that is also located in the Phase I.C sub-parcel, and well #'s 411, 443 (and Seep # 617) are bedrock sources located in the Phase I.B sub-parcel. The four Phase I wells (well #'s 399, 442, 344, 319) that are not subject to the MNA remedy/groundwater monitoring plan are shown in Figures 33 through 36. Figure 33 shows both well # 399 and well # 442. The concrete pad for well # 399 includes a permanent identification marker (see Figure 34); well # 442 does not contain a permanent identification marker. Well #'s 399 and 442 were both padlocked and in good repair. Figure 35 shows well #'s 344 and 319; these two wells are located in a deeply-overgrown area in the southwest corner of the Phase I.C sub-parcel. Both wells were padlocked and in good repair. Figures 36 through 43 show the five wells, and one seep, that are subject to the Phase I MNA/groundwater monitoring plan. Figure 36 shows well # 400, located in the southern section of the Phase I.C sub-parcel; the well was padlocked and in good repair. Figure 37 shows the permanent identification marker for well # 400. Well # 400 is located in a tall-grass area, and is somewhat difficult to see. As a best management practice, DOE should consider placing orange cones or some other marker near the well as a temporary measure to protect the well from inadvertent damage by lawn maintenance activities in that area. Once the final set of monitoring wells has been defined in the various Records of Decision that cover the entire Mound Site Property, those wells should be subject to best management practices of a more permanent nature (such as erection of permanent and visually-apparent barriers around each well). Figure 38 shows (piezometer) well # P033, located in the Phase I.C. sub-parcel; this photo shows the proximity of the well # P033 to the MMCIC's new Flex building and stormwater retention pond & fountain in Parcel 4. Well # P033 was padlocked and in good

repair. Figure 39 shows well # P033's proximity to the DOE's drinking water production well # 3. Figure 40 shows well # 445, located in the northeast corner of the Phase I.C sub-parcel. This photo shows the well's proximity to the DOE's staging area for empty containers (e.g., SeaLand containers) and former rock-crushing area. Well # 445 was padlocked and in good repair. Well #'s 411 and 443 are in the middle of the Phase I.B sub-parcel, in close proximity to the DOE's "east/west" access road. Figure 41 shows well # 411, located in the Phase I.B sub-parcel; the well was padlocked and in good repair. Figure 42 shows well # 443, located in the Phase I.B sub-parcel; the well was padlocked and in good repair. Figure 43 shows groundwater Seep # 617, located near the southern boundary of the Phase I.B sub-parcel. Seep samples are taken from the opening of a PVC pipe embedded in the bedrock.

Figures 44 through 50 show the four buildings (Buildings 102, 87, 3 and the Salt Storage Shed), one concrete pad, and five magazines for storing energetic (i.e., explosive) materials located in the Phase I parcel. Figure 44 shows the former DOE Salt Storage Shed located in the Phase I.B sub-parcel. Figure 45 shows construction (clean/free-release) debris/soils staged near the Salt Storage Shed. The staged soils are associated with two separate projects – a joint-DOE/MMCIC utility project that involved the installation of underground utility lines between the Test Fire Valley (in the Phase I parcel) and Parcel 4, and the MMCIC's upper hill road project that involved the installation of underground utility lines and improvements to existing roads and parking lots in Parcels H and 3. Figure 46 shows Building 102, which is currently occupied by the DOE contractor. Building 102 is located in the Phase I.A sub-parcel, fronting Mound Road. Figure 47 shows Building 87, which is occupied by a MMCIC tenant. Air monitoring station # 217, which used to be located on Parcel 4, is now located on the Phase I parcel, near Building 87. However, air monitoring is not a part of the CERCLA remedy for the Phase I parcel. The tenant in Building 87 also occupies Building 3 (see Figure 48) and uses the five magazines (Figure 49) to store energetic materials. These tenant-occupied buildings are located in the Phase I.B sub-parcel, previously known as the DOE's "Test Fire Valley." Figure 50 shows the concrete pad located in the Phase I.B sub-parcel, near Building 102/the Phase I.A sub-parcel. DOE constructed this pad to stage new (empty) white metal boxes for low-level (radioactive) waste soils and/or debris. The Phase I.C sub-parcel does not contain any buildings. The Phase I.C sub-parcel is to the immediate south of the three DOE production wells (only two of which are currently operating) and, as stated previously, includes three of the five groundwater monitoring wells associated with the Phase I MNA/groundwater monitoring plan.

INTERVIEWS WITH CITY PERSONNEL AND REVIEW OF CITY OR MMCIC RECORDS

In addition to the visual inspection of Parcels D, H, 4, 3 and Phase I performed on May 18, 2004, Ms. Smiley and Mr. Bird interviewed Ms. Sue Baker from the Planning Department at the City of Miamisburg on May 13, 2004. Ms. Smiley and Mr. Bird also reviewed permits maintained by the City Engineering and City Planning Departments for all work performed by MMCIC and/or its tenants or subcontractors, on Parcels D, H, 4, 3 and Phase I. Of all permits reviewed, 18 pertained to work performed on, or that had the potential to impact, Parcels D, H, 4, 3 and Phase I, since the date of DOE's last inspection (i.e., May 2003). Those 18 permits are detailed in the three (3) tables on the following pages.

In general, the permit review process demonstrated that the City of Miamisburg's record-keeping system is adequate. All permits that were expected to be on file with the City were, indeed, on file. Furthermore, all work performed by the MMCIC or other parties (e.g., electrical contractors to the MMCIC) on former Mound Site Property, that Ms. Smiley and Mr. Bird were cognizant of during the 12-month reporting period, appeared to be adequately covered by permits submitted to, and approved by, the City of Miamisburg. In 2003, the City of Miamisburg recently implemented an electronic permits database, which allows permits to be queried via key word searches (e.g., permit number, date, location, nature of work). All [new] permits will be input in this database; this should make future DOE reviews of City permit records much easier. Older permits (such as the ones summarized in DOE's inspection report from May 2002 or earlier) may not be input in the City's database, however, paper copies of all permits are retained by the City in accordance with a Records Retention Plan that meets all State of Ohio requirements. For this year's annual review of City permits, Ms. Smiley and Mr. Bird reviewed the paper copies maintained by the City; Ms. Smiley and Mr. Bird did not query the City's database (e.g., in an effort to "test" the adequacy of the database).

Given that permits filed with the City of Miamisburg do not have a set expiration date, DOE and the property owner (at present, the MMCIC) should remain cognizant of permits filed with the City of Miamisburg, where work covered by that permit may have been postponed for performance at a later date. Maintaining this cognizance will provide a checks-and-balance that work requiring a permit (e.g., installation of underground utility service in a public right-of-way), and which was performed since the date of the last DOE inspection was, indeed, approved by the appropriate City officials. The three tables on the following pages, deliberately, do not repeat information on permits included in the previous year's report on the effectiveness of IC's. Nor do the following tables list permits filed by the MMCIC and/or its tenants or subcontractors for work performed in DOE-owned/MMCIC-leased property. Instead, the following tables are typically limited to permits filed after the Record of Decision has been executed for a particular parcel. Even so, until DOE conveys the parcel, in whole or in part, to the MMCIC, the property is not subject to City of Miamisburg permitting requirements. In some cases (such as all of the permits listed in the following table for buildings in the Phase I parcel), DOE has elected to list "pre-ROD" permits in the annual report, simply to demonstrate that the City's permit records portray an accurate record of the activities taken to-date by the current property owner (i.e., the

MMCIC [for Parcels D, H, 4 and 3 only]). Since DOE first began performing annual inspections of City records in May 2001, Ms. Smiley and Mr. Bird have been performing spot-checks of all permits located within a particular City file (City files are typically maintained by street address) in order to confirm that the entire set of permits is maintained in chronological order (most-recent at front of file). These spot-checks have consistently shown that the City maintains its permit files under configuration control.

The following three tables, and “Note” at the end of the tables, correspond to the City of Miamisburg’s filing system (which provides each building with a street address [except for those buildings that the MMCIC plans to demolish]). Therefore, the following tables are not arranged via “parcel.”

Table 1. City of Miamisburg's file on "720 Mound Road" (AKA "All Mound Buildings").

Permit No.	Date of Permit Request	Permit Submitted by	Nature of Work	Location of Work	Work Performed by
020460	5/13/02	MMCIC	City inspection of electrical work performed in (at that time, future) Phase I parcel.	Test Fire Valley, Phase I parcel	City Engineer

Table 2. City of Miamisburg's file on "1100 Vanguard Boulevard" (AKA "Building 87").

Permit No.	Date of Permit Request	Permit Submitted by	Nature of Work	Location of Work	Work Performed by
2279	6/26/03	MMCIC & Perkin-Elmer	Occupancy Permit	Building 87, Phase I parcel	City Engineer
030109	3/5/03	Larry Stein Realty	Building Permit (installation of shed to store chemicals)	Building 87, Phase I parcel	Larry Stein Realty
021162	11/14/02	Larry Stein Realty	Building Permit (building interior work)	Building 87, Phase I parcel	Larry Stein Realty
021089	10/23/02	Super Mechanical	Heating & Air Conditioning Permit (gas piping to pent-house)	Building 87, Phase I parcel	Super Mechanical
020954	9/16/02	S&D Osterfeld Co.	Heating & Air Conditioning Permit (work on roof of building)	Building 87, Phase I parcel	S&D Osterfeld Co.
020787	7/22/02	Larry Stein Realty	Building Permit (building interior/masonry work)	Building 87, Phase I parcel	Larry Stein Realty

Table 3. City of Miamisburg’s file on “1388, 1390, 1392, 1394, 1396 and 1398 Vanguard Boulevard” (currently treated as “1390 “Vanguard Boulevard [AKA “flex” building on Parcel 4], since the building will be occupied by a single tenant, instead of five separate tenants).

Permit No.	Date of Permit Request	Permit Submitted by	Nature of Work	Location of Work	Work Performed by
031127	12/3/03	Designed Plumbing & Heating	Heating & Air Conditioning Permit (gas piping to first of five areas in same building)	Flex building, Parcel 4	Designed Plumbing & Heating
040100 040101 040102 040103	2/10/04	Designed Plumbing & Heating	Heating & Air Conditioning Permit (gas piping to remaining four of five areas in same building)	Flex building, Parcel 4	Designed Plumbing & Heating
031075	11/6/03	Garber Electric Contractor	Building Permit (utility work, involving underground lines [i.e., excavation])	Flex building, Parcel 4	Garber Electric Contractor
040048	1/15/04	Ohio Valley Fire Protection	Building Permit (installation of sprinkler system)	Flex building, Parcel 4	Ohio Valley Fire Protection
031160	12/18/03	Ohio Valley Fire Protection	Building Permit (installation of underground water lines [i.e., excavation])	Flex building, Parcel 4	Ohio Valley Fire Protection
031140	12/10/03	Garber Electric Contractor	Building Permit (install fire alarm)	Flex building, Parcel 4	Garber Electric Contractor
031076	11/6/03	AirTron Heating & Cooling	Heating & Air Conditioning Permit (installation of gas furnace and drop-ceiling)	Flex building, Parcel 4	AirTron Heating & Cooling
030954	10/3/03	Ferguson Construction	Building Permit (build “Flex” building, with five entrances, to allow occupancy by five separate tenants). Excavation work involved.	Flex building, Parcel 4	Ferguson Construction

NOTE: The following additional City files were reviewed on May 13, 2004, however, none of these files contained permits that had not already been identified in previous DOE annual reports on the effectiveness of Institutional Controls. The City of Miamisburg does not maintain files on buildings that the MMCIC plans to demolish (i.e., GP-1 Building in Parcel 3; and Buildings 3, 63, the magazines and Salt Storage Shed in the Phase I parcel).

City of Miamisburg's file on "500 Capstone Circle "(AKA "GH Building"):

No permits filed (for GH Building, located in Parcel 3) since permits were first identified in previous DOE annual reports on effectiveness of Institutional Controls. Building currently occupied by DOE, in accordance with no-cost Easement with MMCIC.

City of Miamisburg's file on "790 Enterprise Court" (previously listed as "1199 Mound Road" [AKA "Building 100"]):

No permits filed (for Building 100, located in Parcel D) since permits were first identified in previous DOE annual reports on effectiveness of Institutional Controls. Building 100 currently occupied by DOE contractor.

City of Miamisburg's file on "1195 Mound Road" (AKA "Building 105"):

No permits filed (for Building 105, located in Parcel D) since permits were first identified in previous DOE annual reports on effectiveness of Institutional Controls. Building 105 has been occupied by the same MMCIC tenant for several years.

City of Miamisburg's file on "1075 Mound Road" (AKA "Building 102"):

No permits filed (for Building 102, located in the Phase I parcel) since permits were first identified in previous DOE annual reports on effectiveness of Institutional Controls. Building 102 currently DOE-owned and -occupied.

Review of City of Miamisburg records, other than Permits:

The following paragraph is taken, verbatim, from the previous year's annual report, because a property-owner's adherence to the IC's imposed on a land parcel is critical to the effective maintenance of those IC's. The MMCIC (and all future property owners) are required to comply with the institutional controls associated with parcels at the former DOE Mound Site Property. To facilitate compliance, the MMCIC ensures that all parties performing work on behalf of the MMCIC (e.g., landscaping, utility work involving excavation, construction) are aware of, and subject to compliance with, the institutional controls. The MMCIC accomplishes this by embedding the following language in the Technical Requirements section of all Requests for Proposal (RFP) and subsequent Work Orders:

Excavated soils must be managed and remain on MMCIC property. Soils from excavation shall be placed at an on-site location, as directed by MMCIC.

The MMCIC Project Manager who oversees work performed on-site also monitors the vendor's work and conformance to all Technical Requirements in the Work Order. In addition to the Technical Requirement requiring compliance with the institutional controls, the MMCIC provides a real estate easement to the vendor, and this easement is recorded with Montgomery County as a matter of public record. At the end of this report, following the sample DOE "Excavation/Soil Disturbance Permit" for soils relocated from DOE-owned/MMCIC-leased property to MMCIC-owned Parcel 4, is a sample easement. Note that provision 2.0 of the easement provides detailed information to the utility provider/vendor on the institutional controls associated with the MMCIC's property. The DOE applauds the proactive approach that the MMCIC has taken, to ensure that all parties performing work at the former DOE Mound Site Property are aware of, and subject to compliance with, the institutional controls imposed on the property. By passing on responsibility to comply with the institutional controls to a third party, the MMCIC also passes liability onto that third party. In the event that MMCIC sells all or portions of the Mound Site Property, all future property owners would be well served by following the MMCIC's example (e.g., in granting an easement to a utility provider, a prudent property owner would embed the institutional controls in the easement itself, rather than assume the utility provider will read the quit claim deed [in which the institutional controls appear]). Continuing public education is an important component of DOE's post-closure stewardship planning efforts to-date, and educating all future property owners on their responsibility to comply with the institutional controls will be a critical element of the DOE's public education campaign.

As mentioned in an earlier section of this annual report, prior to initiating construction of the "Flex" building in Parcel 4 (or any other new construction on any land parcel), the MMCIC provides the builder with a pre-construction package that includes a description of the IC's associated with that particular parcel. This is yet another method that the MMCIC employs to ensure that the builder is aware of the IC's applied to that parcel. In a new construction scenario, probably the most important IC to educate builders on is the prohibition against removing any soils from the original boundaries of the Mound Site Property. A copy of materials from the

MMCIC's pre-construction package for the Flex building in Parcel 4 is included as a sample in this annual report (immediately following the field inspection checklists).

Also mentioned in an earlier section of this annual report, the MMCIC's Comprehensive Reuse Plan (last updated in December 2003) identifies each building at the Mound Advanced Technology Center as its own lot. Eventually, the MMCIC plans to plat the entire Mound Site Property). In order for the MMCIC to receive financing (e.g., for new construction) on land parcels that comprise the original Mound Site Property, the MMCIC must record a lot split with the Montgomery County Recorder's Office. The MMCIC has already initiated action, and received approval from the Miamisburg Planning Commission, to do a 4.699-acre lot split of that portion of Parcel 4 that contains the Flex building. This is the first time the MMCIC has done a lot split of a discrete land parcel. A copy of the Minutes from the October 6, 2003 meeting of the Miamisburg Planning Commission, approving the lot split, is located in this annual report (immediately behind the MMCIC's pre-construction package for the Flex building). In the near future, the MMCIC plans to record the Parcel 4/Flex building lot split with the Montgomery County Recorder's Office. It is worth noting that, in the event that the MMCIC does not require financing for property improvements it conducts within a parcel, the MMCIC may not immediately record an approved lot split with the County. However, if the MMCIC later decides to sell that property, the MMCIC would need to record the lot split with the County at that time. The recorded real estate documentation would include the original quit claim deed that DOE issued to the MMCIC for the parcel, as a whole, as well as the "CERCLA 120(h) Summary Notice of Hazardous Substances" associated with the original parcel. This will ensure that future property-owners, of individual lot splits, remain aware of the IC's imposed on acreage that lies within the boundaries of the original parcels that DOE conveyed to the MMCIC.

The following paragraph is also taken, verbatim, from the previous year's annual report, because a property-owner's adherence to the IC's imposed on a land parcel is critical to the effective maintenance of those IC's. Movement of soil throughout the Mound Site Property, while not specifically prohibited by the institutional controls, is nevertheless an indicator of the potential removal of soil from the site – an action strictly prohibited by the institutional controls. The MMCIC is already coordinating the movement of soil and site grading, as the DOE completes remediation of individual soil contamination sites. However, once the DOE-EM mission is complete, managing the movement of soil throughout the site could be an effective way for the property owner(s) to ensure that soil is not being removed from the site, as a whole. To accomplish this task, the MMCIC's Comprehensive Reuse Plan (CRP) establishes where future construction/property improvements will occur on the former DOE Mound Site Property. The CRP also includes a site-wide soil grading plan. The CRP was adopted by the City of Miamisburg, and incorporated in the City's Comprehensive Plan. The City's Comprehensive Plan is the basis for zoning of properties that fall within the city limits. The MMCIC, as the current property owner, requires all tenants at the Mound Advanced Technology Center (MATC) to comply with the CRP. However, in the future, if the MMCIC decides to subdivide the property and sell portions (or all) of the former DOE Mound Site Property, the new property owners would still have to comply with the requirements stipulated in the CRP and the City's Comprehensive Plan.

CONCLUSIONS

The institutional controls for Parcels D, H, 4, 3 and Phase I continue to function as designed, adequate oversight mechanisms appear to be in place to identify possible violations of those controls, and adequate resources are available to correct or mitigate any problems in the event that a violation were to occur.

RECOMMENDATIONS

(1) Groundwater monitoring well # 158 (located in Parcel 4, near the intersection of Benner Road and Old State Route 25) is in an area of high pedestrian (public) traffic. There is no concrete pad around the well collar, and the casing extends above-ground in a grassy area located between a paved sidewalk and a landscaped area. The MMCIC plans to expand the nearby landscaping to include the area surrounding well # 158. This is a best management practice, designed to keep pedestrian traffic away from the well, and further protect the well from inadvertent damage caused by the MMCIC's lawn maintenance activities.

(2) Groundwater monitoring well # 400 (located in the Phase I.C sub-parcel) is in a tall-grass area, and is somewhat difficult to see. DOE should, as a best management practice, place orange cones or some other marker near the well as a temporary measure to protect the well from inadvertent damage by lawn maintenance activities in that area. Once the final set of monitoring wells has been defined in the various Records of Decision that cover the entire Mound Site Property, those wells should be subject to best management practices of a more permanent nature (such as erection of permanent and visually-apparent barriers around each well).

FOR FURTHER INFORMATION

For further information on the content of this annual report or the Mound Site Property, in general, contact either:

Mr. Paul Lucas
Remedial Project Manager
DOE-MCP
500 Capstone Circle
Miamisburg, OH 45342
(937) 847-8350, ext. 314

Ms. Sue Smiley
Environmental Restoration Project Manager
DOE-MCP
500 Capstone Circle
Miamisburg, OH 45342
(937) 847-8350, ext. 318

For further information on the regulatory processes governing the CERCLA 120(h) process for property transfer at the former Mound Site Property, contact:

Mr. David Seely
Remedial Project Manager
U.S. Environmental Protection Agency
77 W. Jackson Blvd.
Chicago, IL 60604-3590
(312) 886-7058

Mr. Brian Nickel
Remedial Project Manager
Ohio Environmental Protection Agency
401 E. Fifth St.
Dayton, OH 45402-2911
(937) 285-6468

Ms. Celeste Lipp
Ohio Department of Health
P.O. Box 118
Columbus, OH 43266-0118
(614) 728-0395

Field Inspection Checklists
for
Parcels D, H, 4, 3 and Phase I

(inspections conducted on May 18, 2004)

CHECKLIST
for
Review of Effectiveness
of
Institutional Controls

Date(s) Performed: 5/18/04

Review led by: Sue Smiley, DOE

Phone #: (937) 847-8350, x. 318

Participants: Paul Lucas, DOE; David Seely, USEPA; Brian Nickel, OEPA;
Celeste Lipp, ODH; Beth Moore, City of Miamisburg; Jane O'Dell, OEPA;
Monte Williams, CH2M; Mark Gilliat, CH2M; Ron Stauble, DOE-LM;
Dann Bird, MMCIC.

Parcel reviewed:

D

Summary of property improvements since DOE's sale of parcel or since the previous Review (whichever is most recent). For example, have buildings been demolished or erected? Has surface water flow been modified? Has landscaping been done?

N/A. Parcel D virtually unchanged since last inspection (5/21/03)

Evidence of Soil removal from the "1998 Mound Plant Property"? Yes () No (X)

Same two piles of sand (noted in 5/21/03 inspection ✓-list and 6/12/03 final report).

Evidence of (non-DOE) Groundwater use?

Yes () No (X)

Evidence of land use other than "Industrial" (e.g., residential)?

Yes () No (X)

Signage/Markers in good repair (if applicable)?

Yes () No ()

N/A. Signage is not an IC For Parcel D.

Fencing in good repair (if applicable)?

Yes () No ()

N/A. Fencing is not an IC for Parcel D.

Groundwater Monitoring Wells maintained properly?

Yes (X) No ()

Well # 351 padlocked & in good repair.

Air Monitoring Stations maintained properly (if applicable)?

Yes () No ()

N/A. Air Monitoring not part of CERCLA remedy for Parcel D.

Containment system(s) in good repair (if applicable)?

Yes () No ()

N/A

Site Surveillance equipment in good repair (if applicable)?

Yes () No ()

N/A

Other equipment associated with maintenance of the Institutional Controls in good repair (if applicable)?

Yes () No ()

N/A

Summary of items discovered during previous Review (and disposition of same):

Date of previous Review: 5/21/03

- Item # 1: Verify source of 2 piles of sand. (Came from MMCIC's Corrected? Yes (X) No ()
- Item # 2: Installation of utility line by Building 100. Work was Corrected? Yes () No ()
- Item # 3: permitted by City of Miamisburg) Corrected? Yes () No ()
- Item # 4: Corrected? Yes () No ()

Personnel interviewed during the physical walk-over of parcel, or during review of documentation associated with the parcel:

Dann Bird, MMCIC
Sue Baker, City of Miamisburg

List of Documents reviewed (e.g., street opening permits or construction permits approved by the City of Miamisburg, engineering drawings for improvements to property, aerial photographs, maps):

No new permits filed for Parcel D, since date of last inspection (5/21/03). Refer to previous years' Annual Reports on IC's for description of permits for Parcel D.

Based upon the review of the above-listed Documents, were property improvements covered by the appropriate approvals (e.g., construction permit approved by City? movement of soil or use of groundwater approved by the regulators?)

Yes () No ()

N/A. No work performed since date of last inspection 5/21/03.

Miscellaneous items noted during review:

N/A

Recommendations:

N/A

Conclusion: IC's for Parcel D continue to function as designed, and adequate oversight mechanisms appear to be in place to identify IC violations.

Checklist prepared by: *Susan X. Smiley* Date: 5/18/04
U.S. Department of Energy

CHECKLIST
for
Review of Effectiveness
of
Institutional Controls

Date(s) Performed: 5/18/04

Review led by: Sue Smiley, DOE

Phone #: (937) 847-8350, x. 318

Participants: Paul Lucas, DOE; David Seely, USEPA; Brian Nickel, OEPA;
Celeste Lipp, ODH; Beth Moore, City of Miamisburg; Jane O'Dell, OEPA;
Monte Williams, CH2M; Mark Gilliat, CH2M; Ron Stauble, DOE-LM;
Dann Bird, MMCC.

Parcel reviewed:

H

Summary of property improvements since DOE's sale of parcel or since the previous Review (whichever is most recent). For example, have buildings been demolished or erected? Has surface water flow been modified? Has landscaping been done?

N/A. Parcel H virtually unchanged since last inspection (5/21/03)

Evidence of Soil removal from the "1998 Mound Plant Property"? Yes () No (X)

Evidence of (non-DOE) Groundwater use?

Yes () No (X)

Evidence of land use other than "Industrial" (e.g., residential)?

Yes () No (X)

Signage/Markers in good repair (if applicable)?

Yes () No ()

N/A. Signage is not an IC for Parcel H.

Fencing in good repair (if applicable)?

Yes () No ()

N/A. Fencing is not an IC for Parcel H.

Groundwater Monitoring Wells maintained properly?

Yes (X) No ()

Well # 332 in good repair.

Air Monitoring Stations maintained properly (if applicable)? Yes () No ()

N/A. Is an air monitoring station in Parcel H; however, air monitoring is not part of CERCLA remedy for Parcel H.

Containment system(s) in good repair (if applicable)? Yes () No ()

N/A

Site Surveillance equipment in good repair (if applicable)? Yes () No ()

N/A

Other equipment associated with maintenance of the Institutional Controls in good repair (if applicable)? Yes () No ()

N/A

Summary of items discovered during previous Review (and disposition of same):

Date of previous Review: 5/21/03

Item # 1: N/A. were no Parcel H Corrected? Yes () No ()

Item # 2: recommendations from 5/21/03 inspection Corrected? Yes () No ()

Item # 3: Corrected? Yes () No ()

Item # 4: Corrected? Yes () No ()

Personnel interviewed during the physical walk-over of parcel, or during review of documentation associated with the parcel:

Dann Bird, UMCIC
Sue Baker, City of Miamisburg

List of Documents reviewed (e.g., street opening permits or construction permits approved by the City of Miamisburg, engineering drawings for improvements to property, aerial photographs, maps): No new permits filed for Parcel H, since date of last inspection (5/21/03). Refer to previous years' Annual Report on IC's for description of permits for Parcel H.

Based upon the review of the above-listed Documents, were property improvements covered by the appropriate approvals (e.g., construction permit approved by City? movement of soil or use of groundwater approved by the regulators?).

Yes () No ()

N/A. No work performed since date of last inspection (5/21/03).

Miscellaneous items noted during review:

N/A

Recommendations:

N/A

Conclusion: IC's for Parcel H continue to function as designed, and adequate oversight mechanisms appear to be in place to identify IC violations.

Checklist prepared by: Suzanne A. Smiley Date: 5/18/04
U.S. Department of Energy

CHECKLIST
for
Review of Effectiveness
of
Institutional Controls

Date(s) Performed: 5/18/04

Review led by: Sue Smiley, DOE

Phone #: (937) 847-8350, x. 318

Participants: Paul Lucas, DOE; David Seely, USEPA; Brian Nickel, OEPA;
Celeste Lipp, ODH; Beth Moore, City of Miamisburg; Jane O'Dell, OEPA;
Monte Williams, CH2M; Mark Gilliat, CH2M; Ron Stauble, DOE-LM;
Dann Bird, MMCIC.

Parcel reviewed:

4

Summary of property improvements since DOE's sale of parcel or since the previous Review (whichever is most recent). For example, have buildings been demolished or erected? Has surface water flow been modified? Has landscaping been done?

MMCIC built "Flex" Building in SW corner of Parcel 4, near intersection of Vanguard Blvd. and Old St. Rt. 25. Building exterior complete. Building interior work and landscaping still in progress.

Evidence of Soil removal from the "1998 Mound Plant Property"? Yes () No (X)

Construction of Flex building involved excavation, however, interviews with MMCIC personnel, and review of MMCIC and City of Miamisburg indicates excavated soils were handled appropriately.

Evidence of (non-DOE) Groundwater use? Also, soil staged Yes () No (X)

in SE corner of Parcel 4, near DOE Construction Gate entrance.

Evidence of land use other than "Industrial" (e.g., residential)? Yes () No (X)

Signage/Markers in good repair (if applicable)? Yes () No ()

N/A. Signage is not part of CERCLA remedy for Parcel 4.

Fencing in good repair (if applicable)? Yes () No ()

N/A. Fencing is not part of CERCLA remedy for Parcel 4.

Groundwater Monitoring Wells maintained properly? Yes (X) No ()

Well # 158 (near intersection of Benner Rd. and Old St. Rt. 25) in area of high pedestrian (public) traffic.

Well # 158 (and #'s 354 and 444) are locked and in good repair.

Air Monitoring Stations maintained properly (if applicable)? Yes () No ()

N/A. No air monitoring stations on Parcel 4 (nor is air monitoring part of CERCLA remedy for Parcel 4).

Containment system(s) in good repair (if applicable)? Yes () No ()

N/A

Site Surveillance equipment in good repair (if applicable)? Yes () No ()

N/A

Other equipment associated with maintenance of the Institutional Controls in good repair (if applicable)? Yes () No ()

N/A

Summary of items discovered during previous Review (and disposition of same):

Date of previous Review: 5/21/03 (and 5/29/03)

- | | | | |
|--|---------|--------|---|
| Item # 1: verify source of topsoil in MMCIC Corrected? | Yes (X) | No () | Source was CHM work (sidewalk to Bldg 61). accomplished during Follow-up inspection on 5/29/03. |
| Soil staging area | | | |
| Item # 2: inspect well #'s 354 and 444 Corrected? | Yes (X) | No () | |
| when terrain safer. verify wells are locked/secure | | | |
| Item # 3: are locked/secure Corrected? | Yes () | No () | |
| Item # 4: Corrected? | Yes () | No () | |

Personnel interviewed during the physical walk-over of parcel, or during review of documentation associated with the parcel:

Dann Bird, MMCIC
Beth Moore, City of Miamisburg
Sue Baker, City of Miamisburg

List of Documents reviewed (e.g., street opening permits or construction permits approved by the City of Miamisburg, engineering drawings for improvements to property, aerial photographs, maps): On 5/13/04, reviewed the following permits at City Engineer's Office: 031127, 040100-040103, 031075, 040048, 031160, 031140, 031076, 030954. Also reviewed Miamisburg Planning Commission's approval of Parcel 4 lot-split, and MMCIC pre-construction pkg for Flex. Based upon the review of the above-listed Documents, were property improvements covered by the appropriate approvals (e.g., construction permit approved by City? movement of soil or use of groundwater approved by the regulators?) building construction

Yes (X) No ()

Miscellaneous items noted during review:

N/A

Recommendations:

MMCIC plans to expand landscaping in vicinity of well # 158, to include the well itself, in order to protect pedestrians on public sidewalk from tripping on well or lawn maintenance equip. from hitting well.

Conclusion: IC's for Parcel 4 continue to function as designed, and adequate oversight mechanisms appear to be in place to identify IC violations.

Checklist prepared by: Susan K. Smiley Date: 5/18/04
U.S. Department of Energy

CHECKLIST
for
Review of Effectiveness
of
Institutional Controls

Date(s) Performed: 5/18/04

Review led by: Sue Smiley, DOE

Phone #: (937) 847-8350, x. 318

Participants: Paul Lucas, DOE; David Seely, USEPA; Brian Nickel, OEPA;
Celeste Lipp, ODH; Beth Moore, City of Miamisburg; Jane O'Dell, OEPA;
Monte Williams, CH2M; Mark Gilliat, CH2M; Ron Stauble, DOE-LM;
Dann Bird, MMCIC.

Parcel reviewed:

3

Summary of property improvements since DOE's sale of parcel or since the previous Review (whichever is most recent). For example, have buildings been demolished or erected? Has surface water flow been modified? Has landscaping been done?

N/A. Parcel 3 virtually unchanged since last inspection (5/21/03).

Evidence of Soil removal from the "1998 Mound Plant Property"? Yes () No (X)

Sink-hole in asphalt parking behind GH Building. Excavated dirt & asphalt laying beside hole. MMCIC and DOE in midst of debate over repair of sink-hole (and break in storm-water sewer line that caused it).

Evidence of (non-DOE) Groundwater use? Yes () No (X)

Evidence of land use other than "Industrial" (e.g., residential)?

Yes () No (X)

Signage/Markers in good repair (if applicable)?

Yes () No ()

N/A. Signage not an IC for Parcel 3.

Fencing in good repair (if applicable)?

Yes () No ()

N/A. Fencing not an IC for Parcel 3

Groundwater Monitoring Wells maintained properly?

Yes () No ()

N/A. No wells on Parcel 3.

Air Monitoring Stations maintained properly (if applicable)?

Yes () No ()

N/A. Air Monitoring not part of CERCLA remedy for Parcel 3.

Containment system(s) in good repair (if applicable)?

Yes () No ()

N/A

Site Surveillance equipment in good repair (if applicable)?

Yes () No ()

N/A

Other equipment associated with maintenance of the Institutional Controls in good repair (if applicable)?

Yes () No ()

N/A

Summary of items discovered during previous Review (and disposition of same):

Date of previous Review: 5/21/03

- | | | | |
|-----------|-----------------------|------------|----------------|
| Item # 1: | N/A. Were no Parcel 3 | Corrected? | Yes () No () |
| Item # 2: | recommendations from | Corrected? | Yes () No () |
| Item # 3: | 5/21/03 inspection. | Corrected? | Yes () No () |
| Item # 4: | | Corrected? | Yes () No () |

Personnel interviewed during the physical walk-over of parcel, or during review of documentation associated with the parcel:

Dann Bird, MMCIC
Sue Baker, City of Miamisburg

List of Documents reviewed (e.g., street opening permits or construction permits approved by the City of Miamisburg, engineering drawings for improvements to property, aerial photographs, maps): No permits filed for GH (or GP-1) building, since those reviewed in previous years' inspections

Based upon the review of the above-listed Documents, were property improvements covered by the appropriate approvals (e.g., construction permit approved by City? movement of soil or use of groundwater approved by the regulators?)

Yes () No ()

N/A. No work performed since date of last inspection (5/21/03)

Miscellaneous items noted during review:

N/A

Recommendations:

N/A

Conclusion: IC's for Parcel 3 continue to function as designed, and adequate oversight mechanisms appear to be in place to identify IC violations.

Checklist prepared by: Suzanne Smiley Date: 5/18/04
U.S. Department of Energy

CHECKLIST
for
Review of Effectiveness
of
Institutional Controls

Date(s) Performed: 5/18/04

Review led by: Sue Smiley, DOE

Phone #: (937) 847-8350, x. 318

Participants: Paul Lucas, DOE; David Seely, USEPA; Brian Nickel, OEPA;
Celeste Lipp, ODH; Beth Moore, City of Miamisburg; Jane O'Dell, OEPA;
Monte Williams, CH2M; Mark Gilliat, CH2M; Ron Stauble, DOE-LM;
Dann Bird, MMCIC.

Parcel reviewed:

Phase I

Summary of property improvements since DOE's sale of parcel or since the previous Review (whichever is most recent). For example, have buildings been demolished or erected? Has surface water flow been modified? Has landscaping been done?

Phase I ROD signed July 2003; parcel has yet to be conveyed to MMCIC. Work MMCIC performed for MATC tenant in Bldgs 87, 63, 3 and Magazines (in 2003) covered by permits issued by City.

Evidence of Soil removal from the "1998 Mound Plant Property"? Yes () No (X)

Soil staged near former DOE Salt Storage Shed came from two MMCIC/DOE joint projects: underground utility lines from Phase I.B sub-parcel to Parcel 4, and MMCIC's upper hill road project in Parcels

Evidence of (non-DOE) Groundwater use?

Yes () No (X) Hand 3.

Evidence of land use other than "Industrial" (e.g., residential)?

Yes () No (X)

Signage/Markers in good repair (if applicable)?

Yes () No ()

N/A. Signage not an IC for Phase I parcel.

Fencing in good repair (if applicable)?

Yes () No ()

N/A. Fencing not an IC for Phase I parcel.

Groundwater Monitoring Wells maintained properly?

Yes (X) No ()

Five Wells (PØ33, 400, 445, 411, 443) and one seep (617) in Phase I parcel and which are subject to Phase I

MNA Remedy Groundwater Monitoring Plan. Four other

wells (399, 442, 344, 319) on Phase I parcel

are not part of MNA remedy. Well #400 difficult to see. Needs traffic cone (Parcel: Phase I)

Air Monitoring Stations maintained properly (if applicable)?

Yes () No ()

N/A. Air Monitoring Station by Bldg 87 is not part of CERCLA remedy for Phase I parcel.

Containment system(s) in good repair (if applicable)?

Yes () No ()

N/A

Site Surveillance equipment in good repair (if applicable)?

Yes () No ()

N/A

Other equipment associated with maintenance of the Institutional Controls in good repair (if applicable)?

Yes () No ()

N/A

Summary of items discovered during previous Review (and disposition of same):

Date of previous Review:

N/A. This is first time Phase I parcel was inspected.

Item # 1:

Corrected? Yes () No ()

Item # 2:

Corrected? Yes () No ()

Item # 3:

Corrected? Yes () No ()

Item # 4:

Corrected? Yes () No ()

Personnel interviewed during the physical walk-over of parcel, or during review of documentation associated with the parcel:

Dann Bird, MMCIC
Sue Baker, City of Miamisburg

List of Documents reviewed (e.g., street opening permits or construction permits approved by the City of Miamisburg, engineering drawings for improvements to property, aerial photographs, maps):

Reviewed the following permits filed with City of Miamisburg (all for Bldg 87) between 7/22/02 and 6/26/03: #'s 2279, 030109, 021162, 021089, 020954, 020787

Based upon the review of the above-listed Documents, were property improvements covered by the appropriate approvals (e.g., construction permit approved by City? movement of soil or use of groundwater approved by the regulators?).

Yes (X) No ()

Miscellaneous items noted during review:

N/A

Recommendations:

Well # 400 (Phase I.C sub-parcel) difficult to see; susceptible to damage from lawn-mower. Best management practice would be to place orange cones/other markers around well.

Conclusion: IC's for the Phase I parcel continue to function as designed, and adequate oversight mechanisms appear to be in place to identify IC violations.

Checklist prepared by: Susan H. Smiley Date: 5/18/04
U.S. Department of Energy

SAMPLE

Materials from Pre-Construction Conference
for MMCIC's construction
of "Flex" building on Parcel 4

(Agenda item 19.b and
Work Sheet item 7 under "Grading"
apply to institutional control prohibiting
removal of soil from Mound Site Property)

Flex Building

Pre-Construction Conference

- 1) Introduction – Roles and Responsibilities
- 2) Designation of Responsible Person
- 3) Submittal of Shop Drawings, Product Data, and Samples
- 4) Procedure for processing field decisions and Change Orders
- 5) Procedure for processing Applications for Payment – Prevailing wage Reports
- 6) Distribution of Contract Documents
- 7) Preparation of Record Documents
- 8) Parking
- 9) Construction Schedule
- 10) Office, work, and storage areas
- 11) Equipment deliveries and priorities
- 12) Subcontractors
- 13) Contact Information (especially after hours)
- 14) Safety procedures
- 15) First Aid
- 16) Security
- 17) Housekeeping
- 18) Working Hours
- 19) Environmental Issues
 - a) Erosion Control
 - b) Soils – How do we get rid? Must stay on property. Either in Stock pile or mounds along Benner Road

WORK TO BE DONE AND ALL MATERIALS AND EQUIPMENT UNDER THIS CONTRACT SHALL BE GOVERNED BY THE STATE OF OHIO, DEPARTMENT OF TRANSPORTATION, CONSTRUCTION AND MATERIAL SPECIFICATIONS, LATEST EDITION, AND/OR ADDENDA THEREON, IF ANY, AND THE CITY OF MAMMISBURG REQUIREMENTS AND REGULATIONS.

ACTOR TO VERIFY EXISTENCE AND LOCATION OF ALL UTILITIES BEFORE STARTING RUCTION. INFORM OWNER OF ANY DISCREPANCIES.

CONTRACTOR SHALL ALERT THE OHIO UTILITIES PROTECTION SERVICE (OUPS) AT 1-800-362-2764 AND OTHER APPROPRIATE UTILITIES AS NECESSARY AT LEAST FORTY-(40) HOURS BEFORE ANY EXCAVATION OR CONSTRUCTION IS INITIATED TO ARRANGE UTILITY VERIFICATION AND CONSTRUCTION INSPECTION SERVICES, RESPECTIVELY. A OWNER OF ANY DISCREPANCIES.

ROAD SURFACES, UTILITIES, BUILDINGS, STRUCTURES, SITE CONDITIONS, OR RIGHT OF DISTURBED BY CONSTRUCTION OF ANY PART OF THIS IMPROVEMENT ARE TO BE RESED COMPLETELY TO THE BEFORE CONSTRUCTION CONDITION OR BETTER WHEN ED BY THE OWNER.

STURBED AND/OR DAMAGED PAVEMENTS, BERMS AND DITCHES SHALL BE REPAIRED R REPLACED AS DIRECTED BY THE OWNER.

EFFECTS IN THE CONSTRUCTION INCLUDING MATERIALS OR WORKMANSHIP SHALL BE ED OR CORRECTED BY REMOVAL AND REPLACEMENT OR OTHER APPROVED METHOD O ACCEPTANCE BY THE OWNER.

ACTOR SHALL NOTIFY THE OWNER TWENTY-FOUR (24) HOURS PRIOR TO STARTING RUCTION.

CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS.

PROTECTION OF PROPERTY CORNERS AND SURVEY MARKERS - THE ACTOR SHALL CAREFULLY PRESERVE BENCH MARKS, PROPERTY CORNERS, EENCE POINTS, AND STAKES AND, IN CASE OF WILLFUL OR CARELESS RUCTION, THE CONTRACTOR SHALL BE CHARGED WITH THE RESULTING EASE AND SHALL BE RESPONSIBLE FOR ANY MISTAKES THAT MAY BE CAUSED R UNNECESSARY LOSS OR DISTURBANCE.

UNDERGROUND STRUCTURES - LOCATION OF UNDERGROUND STRUCTURES AND IS ARE NOT GUARANTEED, AND SHOULD BE VERIFIED BEFORE START OF RUCTION. ALL OBSTRUCTIONS TO BE REMOVED A MINIMUM OF 2' BELOW SUBGRADE.

CLEARANCES AND GUIDELINES

VERTICAL CLEARANCE MUST BE MAINTAINED FROM THE EDGE OF ALL WATERMANS TO THE F ALL PROPOSED STORM SEWERS AND/OR INLET LEAD PIPE WHERE THEY CROSS.

MINIMUM HORIZONTAL CLEARANCE MUST BE MAINTAINED FROM THE EDGE OF THE MAIN PIPE TO THE EDGE OF THE STORM SEWER PIPE AND STORM SEWER MANHOLES.

MINIMUM HORIZONTAL CLEARANCE MUST BE MAINTAINED FROM THE EDGE OF ALL MAIN PIPE TO THE EDGE OF THE SANITARY SEWER AND/OR FORCE MAIN PIPE.

MINIMUM VERTICAL CLEARANCE MUST BE MAINTAINED FROM THE EDGE OF ALL MAINS &/OR SERVICES TO THE OUTSIDE EDGE OF ALL SANITARY SEWER PIPES WHERE CROSS.

UNDERGROUND UTILITIES MUST BE INSTALLED PRIOR TO INSTALLATION OF PAVEMENT.

10 LATERALS SHALL BE 8" PVC, TYPE ASTM D 3034, SDR 35, WITH RUBBER GASKET AND SHALL HAVE A MINIMUM 1% SLOPE, AND A 3 FOOT MINIMUM COVER.

JUNCTION NOTES

1) ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH THE STATE OF OHIO DEPARTMENT OF TRANSPORTATION CONSTRUCTION AND MATERIAL SPECIFICATIONS, LATEST EDITION, AND CITY OF MAMMISBURG STANDARDS.

2) ALL GRADATION CONSTRUCTION SHALL BE PERFORMED IN ACCORDANCE WITH CITY OF MAMMISBURG STANDARDS.

3) EXCAVATION WITHIN THE EXISTING STREET RIGHT-OF-WAY SHALL BE LED WITH CONTROLLED DENSITY FILL, TYPED 1 GRANULAR FILL MATERIAL HANGING TO ODOT ITEM 803 SHALL BE USED UNDER DRIVE AND PARKING AREAS.

4) UNDERGROUND UTILITY SERVICE LATERALS ARE TO BE INSTALLED BEFORE PAVEMENT IS LAYED.

5) FOUNDATIONS, FOUNDATION DRAINS AND SUMP PUMP DISCHARGES SHALL BE CONNECTED TO STORM SEWER.

6) TILE ENCOUNTERED SHALL BE REPLACED OR CONNECTED TO STORM SEWER.

7) RAMP TO BE LOCATED AS INDICATED ON THE PLANS AND CONSTRUCTED IN ACCORDANCE WITH ODOT STANDARD CONSTRUCTION DRAWING BP-7.1.

8) EIGHT (48) HOURS BEFORE DIGGING IS TO COMMENCE, THE CONTRACTORS SHALL NOTIFY THE FOLLOWING AGENCIES:

- THE OHIO UTILITIES PROTECTION SERVICE (OUPS) AT 1-800-362-2764
- THE DAYTON POWER AND LIGHT CO. AT 513-227-2192
- THE CITY OF MAMMISBURG ENGINEERING DEPT. AT 513-847-6534

9) ALL OTHER AGENCIES WHICH MIGHT HAVE UNDERGROUND UTILITIES INVOLVED WITH THIS PROJECT AND ARE NOT MEMBERS OF OUPS.

10) CONTRACTOR SHALL TAKE APPROPRIATE MEASURES TO CONTROL SOIL EROSION AND SEDIMENTATION THROUGHOUT THE LIFE OF THE CONTRACT. SEE SOIL CONTROL PLAN AND EROSION CONTROL PLAN.

11) REQUIREMENTS OUTLINED IN THE STATE OF OHIO CONSTRUCTION SAFETY CODE AS PART OF THIS WORK SHALL BE ENFORCED AND THE CONTRACTOR SHALL COMPLY WITH ALL PROVISIONS OF THE CODE ISSUED AS A GENERAL ORDER BY THE INDUSTRIAL COMMISSION OF OHIO.

GRADING

- 1) TOPSOIL SHALL BE STRIPPED OVER THE AREAS AFFECTED BY GRADING AND STOCKPILED AS APPROVED BY THE OWNER PRIOR TO INITIATION OF EARTHWORK ACTIVITIES.
- 2) ALL DRIVE AREAS SHALL BE COMPACTED AND MOISTURE CONTROLLED IN ACCORDANCE WITH ODOT ITEM 203. THE BUILDING AREA SHALL BE COMPACTED TO 98% MAXIMUM DRY DENSITY PER ASTM D698.
- 3) ALL DRIVEWAY AND BUILDING FILL SHALL BE PLACED IN LOOSE-LIFT THICKNESSES OF NO MORE THAN 8 INCHES AND COMPACTED PER THE APPLICABLE SPECIFICATIONS.
- 4) COMPACTION TESTING OF FILL MATERIAL SHALL BE PERFORMED AS DIRECTED BY THE PROJECT MANAGER. FILL WHICH FAILS TO MEET THE APPLICABLE COMPACTION REQUIREMENTS SHALL BE CORRECTED TO THE SATISFACTION OF THE OWNER BEFORE PAVING WILL BE PERMITTED. CONTRACTOR IS RESPONSIBLE FOR TESTING ALL SUBGRADE COMPACTION AND MATERIALS.
- 5) COMPACTED FILLS ARE TO BE MADE A MINIMUM OF THREE (3) FEET ABOVE THE CROWN OF ANY PROPOSED SEWER PRIOR TO CUTTING OF TRENCHES FOR PLUMBING OF SAID SEWERS. ALL FILLS SHALL BE CONTROLLED, COMPACTED AND INSPECTED BY AN APPROVED TESTING LABORATORY OR AN INSPECTOR FROM THE APPROPRIATE GOVERNMENTAL AGENCY. A COPY OF THESE TESTING REPORTS SHALL BE SUBMITTED TO THE OWNER.
- 6) ALL GROUND SURFACE AREAS THAT HAVE BEEN EXPOSED OR LEFT BARE AS A RESULT OF CONSTRUCTION, AND ARE TO REMAIN SO, SHALL BE SEEDED AND MULCHED AS SOON AS PRACTICAL, IN ACCORDANCE WITH STATE OF OHIO SPEC. ITEM 659.
- 7) EXCESS EXCAVATION IS TO BE REMOVED, BUT REMAIN WITHIN THE MAMMISBURG MOUND COMMUNITY PROPERTY LIMITS. THE MATERIAL SHALL BE HAULED TO A LOCATION AS SPECIFIED BY THE OWNER.

SANITARY SEWERS

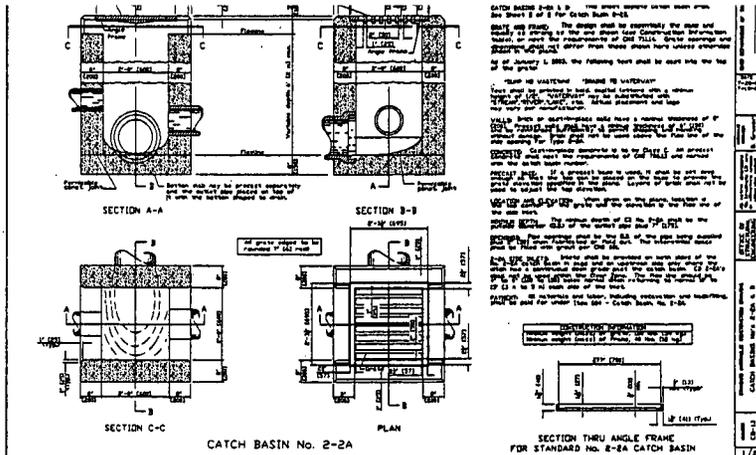
- 1) ALL SANITARY SEWERS AND APPURTENANCES SHALL BE CONSTRUCTED ACCORDING TO THE CITY OF MAMMISBURG SANITARY DEPARTMENT SPECIFICATIONS.
- 2) ROOF DRAINS, FOUNDATION DRAINS OR OTHER CLEAN WATER CONNECTIONS TO THE SANITARY SEWER ARE PROHIBITED.
- 3) SANITARY SEWER PIPE AND FITTINGS FOR 4" AND 6" SERVICE LINES SHALL BE PVC-SDR 23.5, SDR 26, OR SCHEDULE 40.
- 4) SANITARY SEWER SHALL BE PRESSURE TESTED. MANHOLES VACUUM TESTED AND CLEANED BEFORE BEING ACCEPTED BY THE CITY ENGINEER.
- 5) WATER LINE CROSSING ANY AND ALL SEWERS SHALL HAVE A MINIMUM VERTICAL SEPARATION OF 18 INCHES BETWEEN THE OUTSIDES OF THE WATER MAIN PIPE AND THE SEWER PIPE. ONE FULL LENGTH OF WATER MAIN PIPE SHALL BE CENTERED AT THE POINT OF CROSSING SUCH THAT BOTH JOINTS WILL BE EQUIDISTANT AND AS FAR FROM THE SEWER AS POSSIBLE. IF WATER MAIN CROSSES BELOW THE SANITARY SEWER, THE SEWER LINE MUST BE WATER MAIN MATERIAL FOR THAT SPAN.
- 6) ALL UTILITY TRENCHES WITHIN THE EXISTING RIGHT-OF-WAY SHALL BE BACKFILLED WITH CONTROLLED DENSITY FILL. BEDDING SHALL BE A MINIMUM OF 40% CRUSHED AGGREGATE SIZE #57 OR #8 STONE.
- 7) THE CONTRACTOR SHALL RECORD THE LOCATION OF ALL SANITARY SERVICES INSTALLED UPON A SET OF DRAWINGS SUPPLIED TO HIM FOR THAT PURPOSE BY THE PROJECT MANAGER. LOCATION OF THE SERVICES SHALL BE MADE AS DIRECTED BY THE CITY ENGINEER. THE DRAWINGS SHALL BE RETURNED TO THE ENGINEER WHEN ALL SERVICES HAVE BEEN INSTALLED.
- 8) ALL EXISTING UNDERGROUND UTILITIES ARE SHOWN IN THEIR APPROXIMATE LOCATIONS ACCORDING TO THE BEST AVAILABLE INFORMATION. THE CONTRACTOR SHOULD NOTIFY THE CITY ENGINEERING DEPARTMENT AND ALL OTHER COMPANIES FORTY-EIGHT HOURS PRIOR TO CONSTRUCTION TO OBTAIN ACCURATE FIELD LOCATIONS OF SAID EXISTING UNDERGROUND UTILITIES.

STORM SEWER NOTES

- 1) STORM SEWER PIPING SHALL BE PER ODOT ITEM 603 TYPE B UNDER PAVEMENT AND TYPE C WHERE NOT UNDER PAVEMENT.
- 2) HEADWALLS INLET SHALL BE PER ODOT STANDARD CONSTRUCTION DRAWING 2.1 OR 2.2, DEPENDING ON THE MATERIAL USED FOR THE STORM SEWER PIPING.
- 3) CATCH BASINS SHALL BE ODOT TYPE 2-3 PER ODOT STANDARD CONSTRUCTION DRAWING.

WATER MAINS

- 1) ALL WATER LINES AND APPURTENANCES SHALL BE CONSTRUCTED ACCORDING TO THE CITY OF MAMMISBURG SPECIFICATIONS.
- 2) WATER MAINS, BENDS AND FITTINGS SHALL BE DUCTILE CAST IRON PIPE AND CONFORM TO ANSI A-21.5.1 (ANSI A-C-15.1) CLASS 53 FOR 8" LINES.
- 3) WATER MAINS SHALL HAVE 4'-8" MINIMUM COVER.
- 4) THE INSTALLATION AND TESTING OF WATER MAINS SHALL BE MADE IN ACCORDANCE WITH CITY INSPECTION. DISINFECTION SHALL BE REQUIRED.
- 5) ONLY CITY PERSONNEL SHALL OPERATE MAIN LINE WATER VALVES.
- 6) WATER LINES CROSSING ANY AND ALL SEWERS SHALL HAVE A MINIMUM VERTICAL SEPARATION OF 18" BETWEEN THE OUTSIDES OF THE WATER MAIN PIPE AND THE SEWER PIPE. ONE FULL LENGTH OF WATER MAIN PIPE SHALL BE CENTERED AT THE POINT OF THE CROSSING SUCH THAT BOTH JOINTS WILL BE EQUIDISTANT AND AS FAR FROM THE SEWER AS POSSIBLE.
- 7) THE CONTRACTOR SHALL RECORD THE LOCATION OF ALL WATER SERVICES INSTALLED UPON A SET OF DRAWINGS SUPPLIED TO HIM FOR THIS PURPOSE BY THE CITY ENGINEER. THE DRAWINGS SHALL BE RETURNED TO THE ENGINEER WHEN ALL SERVICES HAVE BEEN INSTALLED.



NOTES

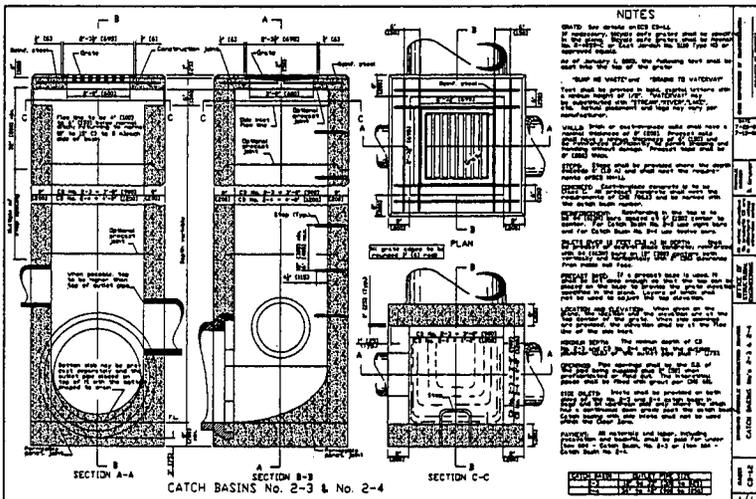
1. SEE SHEET 01-01 FOR CATCH BASIN 2-1A.

2. THE DRAWING SHALL BE APPROVED BY THE OWNER AND SHALL BE USED FOR THE PROJECT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR VERIFYING THE LOCATION OF ALL UTILITIES BEFORE STARTING CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR VERIFYING THE LOCATION OF ALL UTILITIES BEFORE STARTING CONSTRUCTION.

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NOTES

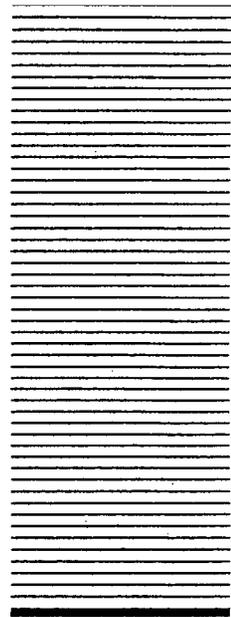
1. SEE SHEET 01-01 FOR CATCH BASIN 2-1A.

2. THE DRAWING SHALL BE APPROVED BY THE OWNER AND SHALL BE USED FOR THE PROJECT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR VERIFYING THE LOCATION OF ALL UTILITIES BEFORE STARTING CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR VERIFYING THE LOCATION OF ALL UTILITIES BEFORE STARTING CONSTRUCTION.

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4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR VERIFYING THE LOCATION OF ALL UTILITIES BEFORE STARTING CONSTRUCTION.

5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR VERIFYING THE LOCATION OF ALL UTILITIES BEFORE STARTING CONSTRUCTION.



Proposed SPEC Building on the South Property



PDT ARCHITECTS/PLANNERS
 6244 MONTICOMERY ROAD
 CINCINNATI, OHIO 45238
 513-891-4808

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CHECKED BY	EWB
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FILE	PROJ003-01 MIAMISBURG MOUND COMMUNITY IMPROVEMENT CORP
COMMISSION NO	
DRAWING	NOTES

DRAWING C-5

SAMPLE

Minutes from October 6, 2003 meeting
of Miamisburg Planning Commission

(Agenda item 2 pertains to MMCIC's
request for lot-split of Parcel 4)

MIAMISBURG PLANNING COMMISSION

MINUTES

October 6, 2003

The meeting was called to order by Chairman, John Stalder. The following Commissioners were present: Mr. Croskey, Mr. Watson, Mr. DeYoung, Ms. Hulsman, Mr. Bucklew and Mr. Stalder. Mr. Keith Johnson, the City's Development Director was present as advisor.

Mr. Bucklew motioned to approve the September 15, 2003 minutes as presented. Mr. Croskey second. Motion carried.

Old Business:

There was no Old Business to come before the Commission.

New Business:

Non Public Hearing Items

Item No. 1 – Lot Combination – City Lot Nos. Pt. 3575 and 3583 – 1531 King Richard Parkway

Mr. Johnson stated that the Development Department has received a request submitted by St. Mina St. Abanoub Church, for approval to combine City Lot Nos. Pt.3575 and 3583 into a single 3.435 acre parcel. He stated that the property is located on the corner of King Richard Parkway and Heincke Road. He also stated that he property has an existing church located on City Lot No. 3583, which is located at 1531 King Richard Parkway.

Mr. Johnson stated that It is the intent of the church to combine (replat) the two lots into a single parcel and ultimately utilize the extra land for church expansion. He stated that according to the Zoning Code, churches must have a minimum of three (3) acres. He stated that this additional acreage will allow the church to expand without seeking a variance in the future.

Mr. Johnson stated that the property is currently zoned R-4 Multi-Family Residential. He stated that according to the zoning code, this proposed lot

combination scheme meets and exceeds the R-4 Multi-Family District zoning requirements. He also stated that the minimum required frontage in the R-4 district is 100 feet; the minimum lot size is 8,000 square feet.

Mr. Johnson stated that the Development Department recommends Approval of this lot-combination request for City Lot Nos. Pt. 3575 and 3583.

Following the discussion, Mr. Watson motioned to approve the lot combination for City Lot Nos. Pt. 3575 and 3583. Ms. Hulsman second. Motion carried.

VOTE: Mr. Croskey, yea; Mr. Watson, yea; Mr. DeYoung, yea; Mrs. Bucklew, yea; Ms. Hulsman, yea; Mr. Stalder, yea.



Item No. 2 – Lot Split – Miamisburg Mound Community Improvement Corporation (MMCIC) – City Lot No. Pt. 4778

Mr. Johnson stated that the Development Department has received a request from the Miamisburg Mound Community Improvement Corporation, owner of City Lot 4778 for a lot split located at 1390 Vanguard Boulevard (City Lot No. Pt.4778). He stated that the property is located along Vanguard Boulevard, and east of the intersection of Benner Road and Dayton Cincinnati Pike. He also stated that this proposed lot will be split will create two (2) separate tracts of land from the existing original 94.838 acre parcel.

Mr. Johnson stated that the lot-split request is a condition of the site plan approval by the Plan Commission heard on August 4, 2003 to construct a 24,000 square office/light industrial building with a 175 foot setback from the proposed Vanguard Boulevard Right-of-Way and a 210 foot setback from Benner Road. He stated that Tract #A – It will create a 4.699 acre parcel to be developed with an office/light industrial building. A future Right-of-Way containing .364 acres fronts the property along Benner Road.

Mr. Johnson stated that according to the Zoning Code, there is no minimum lot area requirement in the I-2 zoning district for an industrially zoned property, but the lot to be developed (Tracts A) is typical of the other lots that have been developed in the Miamisburg Mound Community Improvement Corporation campus.

Mr. Johnson stated that the Development Department recommends Approval of this lot-split request for City Lot No. Pt. 4778.

Mr. Johnson stated that Mr. Dann Bird was present to answer any questions.

Mr. Croskey stated that the southern half of Benner Road shows a 40 foot width. Mr. Johnson stated that the Thoroughfare Plan shows the right-of-way as 80 feet. He also stated that Austin Road project would determine the width of the roadway.

Mr. Stalder asked if there would be two (2) more cul-de-sacs off of this road in the MMCIC project. Mr. Johnson stated that the MMCIC Master Plan shows two (2) more cul-de-sacs.

After the discussion, Mr. DeYoung motioned to approve the lot split for City Lot No. Pt. 4778. Mr. Watson second. Motion carried.

VOTE: Mr. Croskey, yea; Mr. Watson, yea; Me. DeYoung, yea; Mr. Bucklew, yea; Ms. Hulsman, yea; Mr. Stalder, yea.

Item No. 3 – Renaming the Mann Subdivision, Sections 1, 2, 3 and 4 to G.S. Mann Estates, Sections 1, 2, 3 and 4

Mr. Johnson stated that the Development Department has received a request submitted by Gurjatinder S. Mann requesting the Planning Commission review and approval for renaming the Mann Estate Subdivision located between Belvo Road and Linden Avenue from Mann Plat Sections 1, 2, 3, 4 to G. S. Mann Estate. He also stated that the applicant is requesting the name change in memory of his father.

Mr. Johnson stated that the approval of this renaming by the Planning Commission is required before it can be recorded with the new name with the Montgomery County Recorders Office and the City of Miamisburg.

Mr. Johnson stated that Staff recommends approval of this subdivision renaming it G.S. Mann Estates, Sections 1, 2, 3 and 4.

Following the discussion, Ms. Hulsman motioned to approve the request for the name change of the Mann Subdivision to the G.S. Mann Estates, Sections 1, 2, 3 and 4. Mr. Bucklew second. Motion carried.

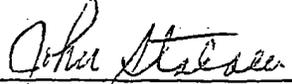
VOTE: Mr. Croskey, yea; Mr. Warson, yea; Me. DeYoung, yea; Mr. Bucklew, yea; Ms. Hulsman, yea; Mr. Stalder, yea.

OTHER BUSINESS

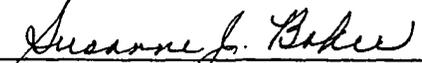
Chairman Stalder reminded the Commission that there would be no Planning Commission meeting on Monday October 20, due to the annual Boards and Commissions Dinner. The next meeting would be Monday, November 3, 2003.

There was no other business to come before the Commission.

There being no further business to come before this Commission, Mr. Watson motioned to adjourn the meeting. Ms. Hulsman seconded. Motion carried. Chairman Stalder declared the meeting adjourned.



John Stalder, Chairman



Susanne J. Baker, Secretary

SAMPLE

CH2M Hill Mound, Inc.

“Excavation/Soil Disturbance Permit”

for work performed by MMCIC on
DOE-owned/MMCIC-leased COS Building

(excavated soils subsequently moved to
Parcel 4)

EXCAVATION/SOIL DISTURBANCE PERMIT

ALL BLANKS MUST BE FILLED PRIOR TO START OF WORK

- 1) Project: PROVIDE FEED TO COS
- 2) Location of Work: COS PARKING LOT
- 3) Agency Performing Work (Mound Trades or Contractor): TRADES
- 4) Is excavation within 5 ft of underground utilities? Yes (see Appendix B) No
Attach waiver, if approved.
- 5) Person Responsible for Field Activities: Jan Tice *[Signature]*
(Signature)

6) EXCAVATION/SOIL DISTURBANCE PERMIT CHECKLIST (a.-l.)

Must be performed before start of work (checkmark required after each item is complete)

Complete

a) Determine location of underground utilities by reviewing latest revision of utility drawings and issue copy of drawings to Supervisor.	✓
b) Determine location of contaminated areas by reviewing latest revision of contaminated area drawings.	<i>can</i>
c) Perform field/site work inspection to identify any overhead utilities and above ground indicators for buried utilities.	✓
d) Perform scanning for underground utilities, mark utility location with paint, ribbon or stakes and discuss results with personnel performing excavating.	✓
e) Perform pipe location with locator instrument, mark utility location with paint, ribbon or stakes and discuss results with personnel performing excavating.	✓
f) Perform Lockout/Tagout in accordance with MD-10444 or Subcontractor LOTO program.	
g) Verify Lockout/Tagout and perform second scan to ensure all electrical lines are de-energized.	
h) Electrician and Supervisor perform walk through to determine no evidence of unidentified utilities or equipment.	
i) Red-line site drawings if utilities are encountered not shown on the drawings, and forward to site Engineering to update drawings.	
j) If digging within 5 ft of a known or suspected utility, a spotter shall be assigned to excavator to visually confirm that no unanticipated utilities/obstacles are encountered during excavating.	✓
k) Environmental Safeguards & Compliance notified. <u>STORM WATER PRO. ON 7 GRABES</u>	✓ <i>ROM PAUL</i>
l) Industrial Safety & Hygiene POC notified.	
m) Utility Operations (ext. 4894) notified.	✓
n) Security (ext. 3400) must be notified if excavation requires road closure or is within 6 ft of a security fence.	
o) Fire Department (ext. 3313) must be notified if underground fire utilities are involved.	
p) Barricades in place. Warning lights may be required if excavation is open over night.	
q) Safety glasses and hard hats available for all workers within the barricaded area.	
r) Reflective vest required during heavy equipment use.	

NOTE: If marked lines are obliterated, re-mark and discuss results with personnel performing excavating.

- s) Is excavation/trench to be 4 ft or more in depth with personnel entry? Yes No

IF NO, DO NOT COMPLETE SECTION 7 CHECKLIST--

- t) If yes, enter name of Competent Person TERRY PAXSON
(Print Name)

DATE	ISSUER SIGNATURE	RADIATION PROTECTION SIGNATURE
		<i>Chilme</i> 12-18-03

Note: Any change in scope of work or location requires a new permit.

Excavator's Review:

Initial	Date	Initial	Date
<i>[Signature]</i>	<u>1/23/03</u>	_____	_____

EMERGENCY 911

EXCAVATION/SOIL DISTURBANCE PERMIT

ALL BLANKS MUST BE FILLED PRIOR TO START OF WORK

7) EXCAVATIONS/TRENCHES 4 ft OR GREATER IN DEPTH WITH PERSONNEL ENTRY CHECKLIST (a.-h.)

Competent Person completing checklist: _____

(Signature)

(Checkmark required after each item is complete)

Complete

	Complete
a) Ensure spoils are 2 ft from edge to prevent a falling hazard for workers in excavation/trench.	
b) Competent person shall determine if Industrial Hygiene should evaluate excavation/trench for atmospheric hazards.	
c) Ensure safe means of access/egress (extend ladder 3 ft above edge of excavation/trench). Ensure no more than 25 ft lateral travel for safe access/egress.	
d) Address fall hazards if a 6 ft or greater fall hazard exists.	
e) Ensure sloping (1 1/2:1 ratio), benching, shoring or trench box is in place for excavation/trenches 5' or greater in depth.	
f) Ensure mechanical equipment is at a safe distance from excavation/trench to prevent a super imposed load hazard.	
g) Competent person shall inspect excavation/trench daily at a minimum or more frequently based on hazards such as possible cave-in or water accumulation.	
h) Competent person shall determine additional PPE. Refer to RWP for any radiological PPE.	

EMERGENCY 911

ML-7844 (3-01)

865-4040 (Offsite, Construction Trailers, Mobile Telephones)

SAMPLE

Real Estate Easement
for utility work
performed on MMCIC property

NO TRANSFER
08:01aa MARCH 28, 2003
KARL L. KEITH, COUNTY AUDITOR

**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,

12:21:13
EASE-03-035151 0200
Montgomery County
Judy Dodge Recorder

page 45; Deed Book 1258, pages 56 and 74; Deed; Deed Book 1256, page 179; Micro-Fiche 81-376AD1; 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. Gravelman

Printed Name: Michael J. Gravelman

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. Gravelman the President of MIAMISBURG MOUND COMMUNITY IMPROVEMENT CORPORATION, an Ohio non-profit corporation, on behalf of said corporation.

Jean Wyszong
NOTARY PUBLIC

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

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

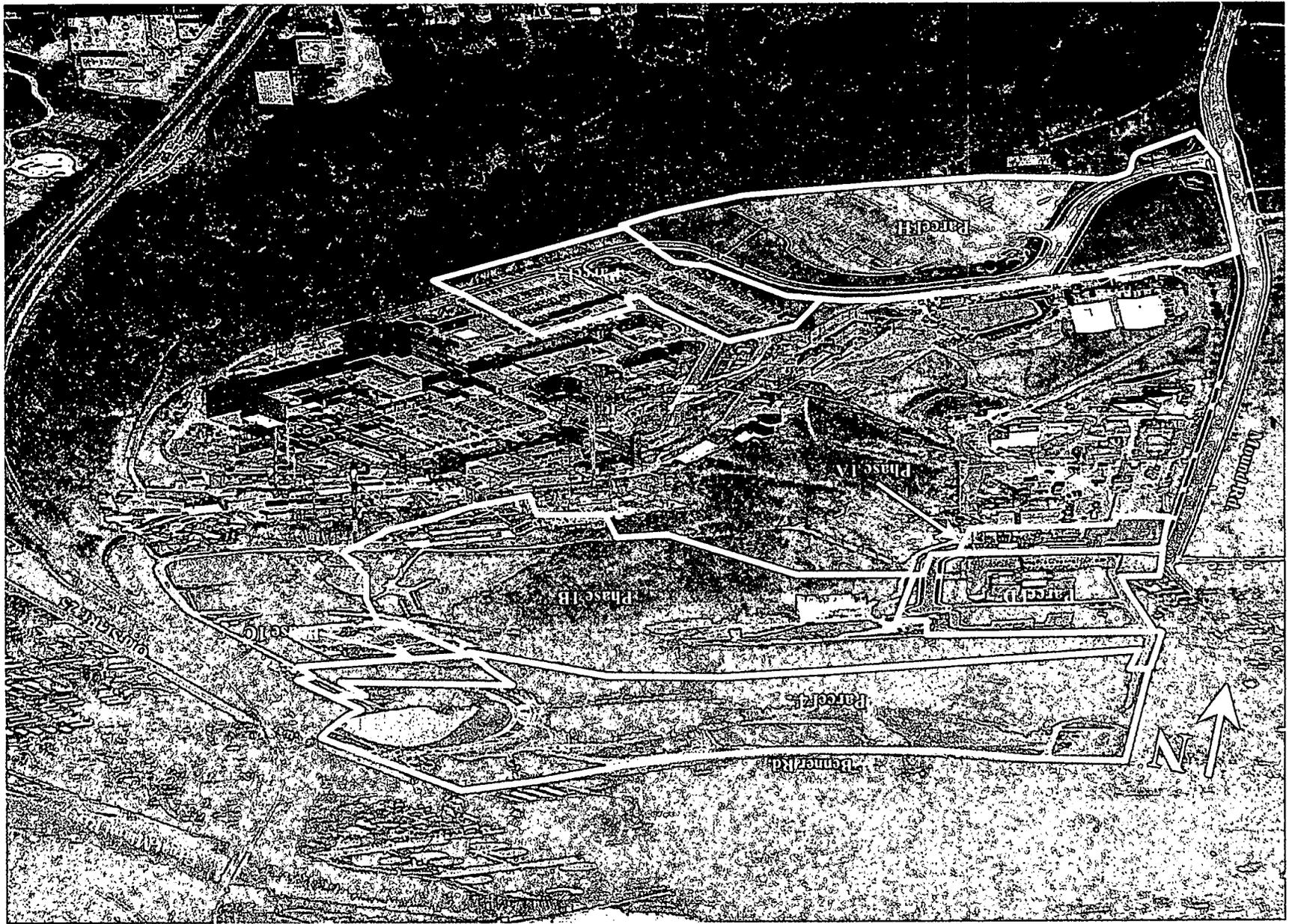
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- Figure 50: DOE storage pad for new, empty white metal boxes for LLW soil/debris.

Figure 2. Aerial photo of original DOE Mound Site Property, as a whole, looking due south. Photo taken April 2002.



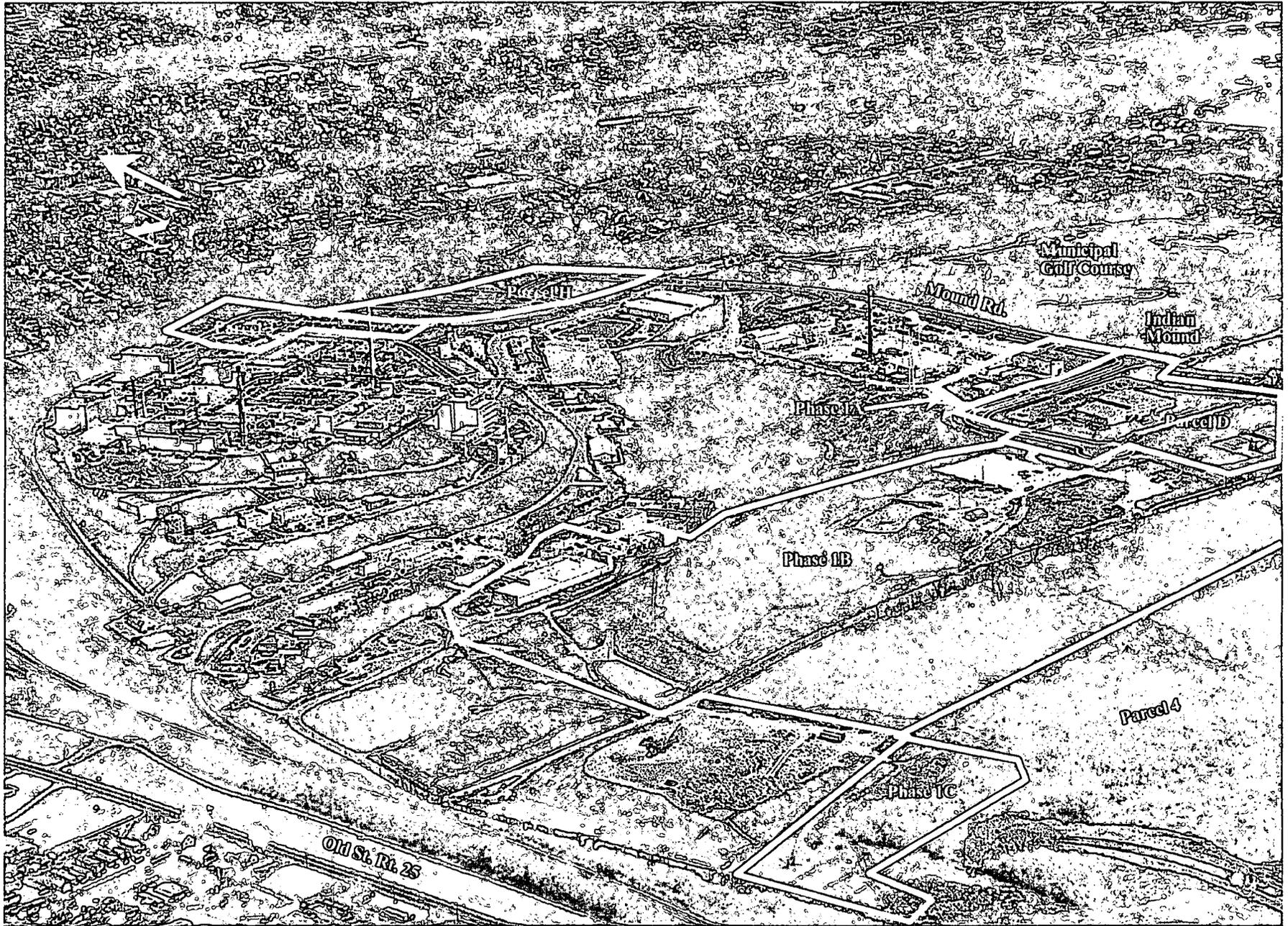


Figure 3. Aerial photo of original DOE Mound Site Property, as a whole, looking north/northeast. Photo taken April 2002.

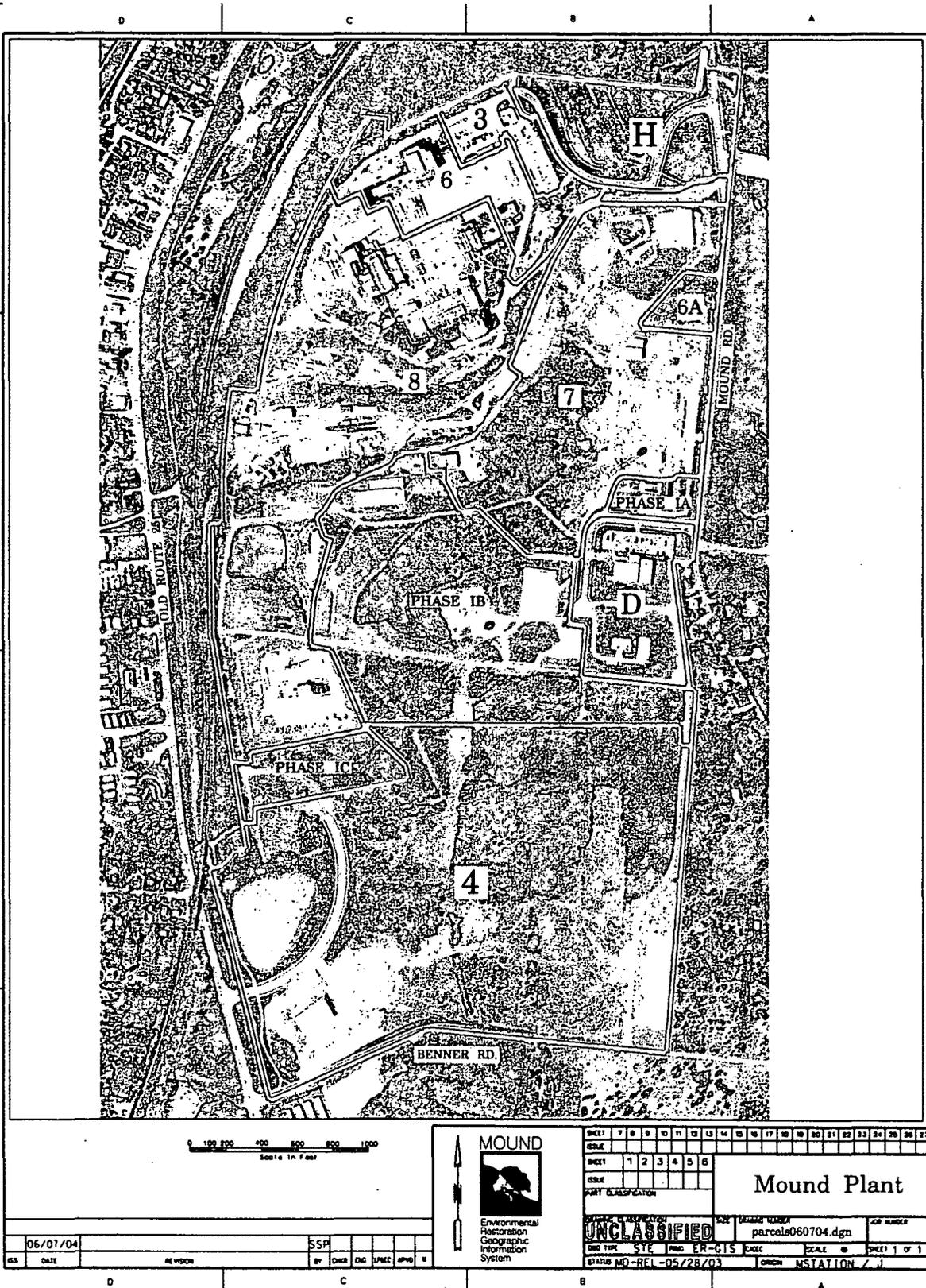


Figure 4. Digitized aerial photo of original DOE Mound Site Property, as a whole. Photo taken April 2004.

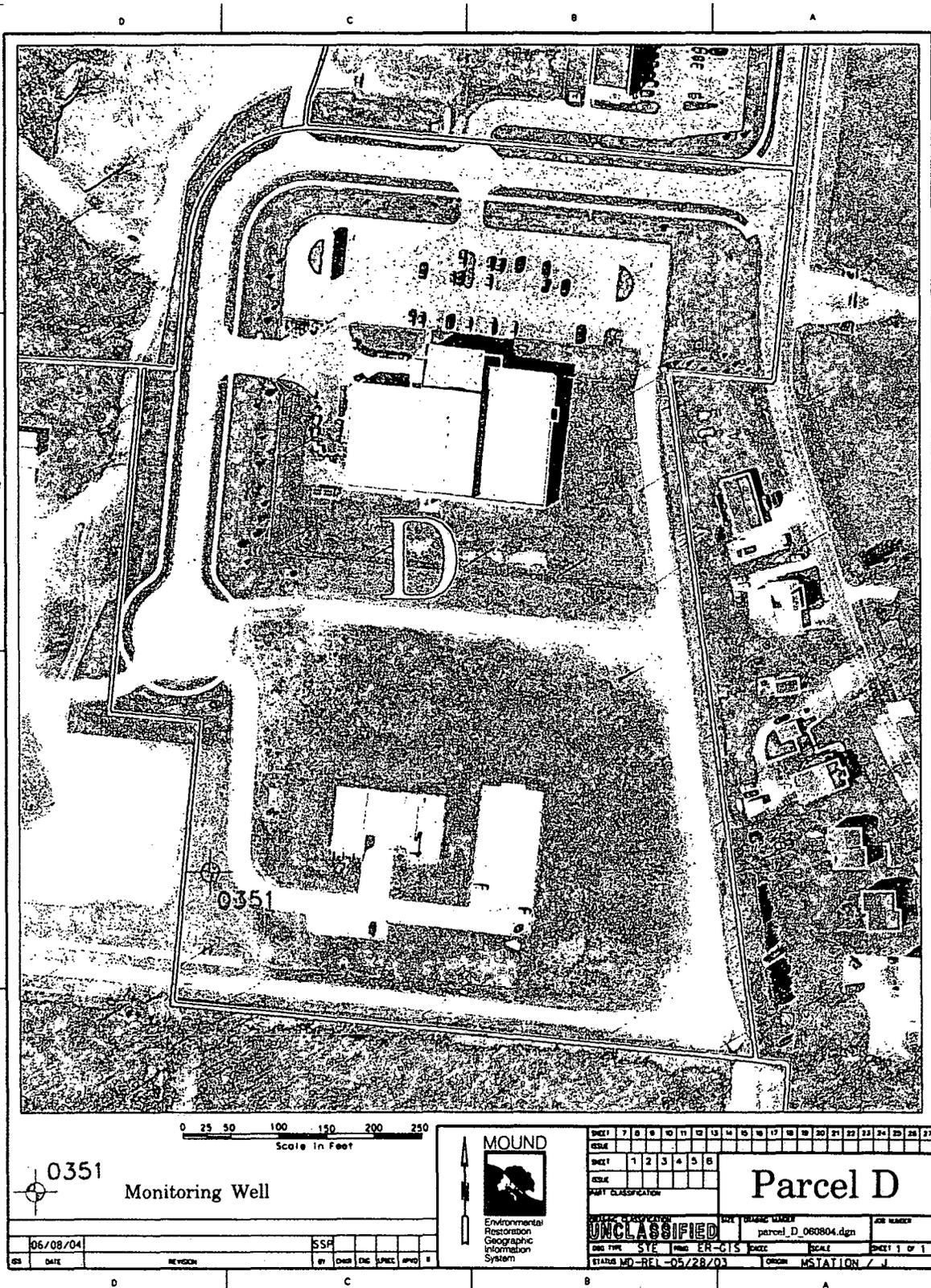


Figure 5. Digitized aerial photo of Parcel D taken April 2004.

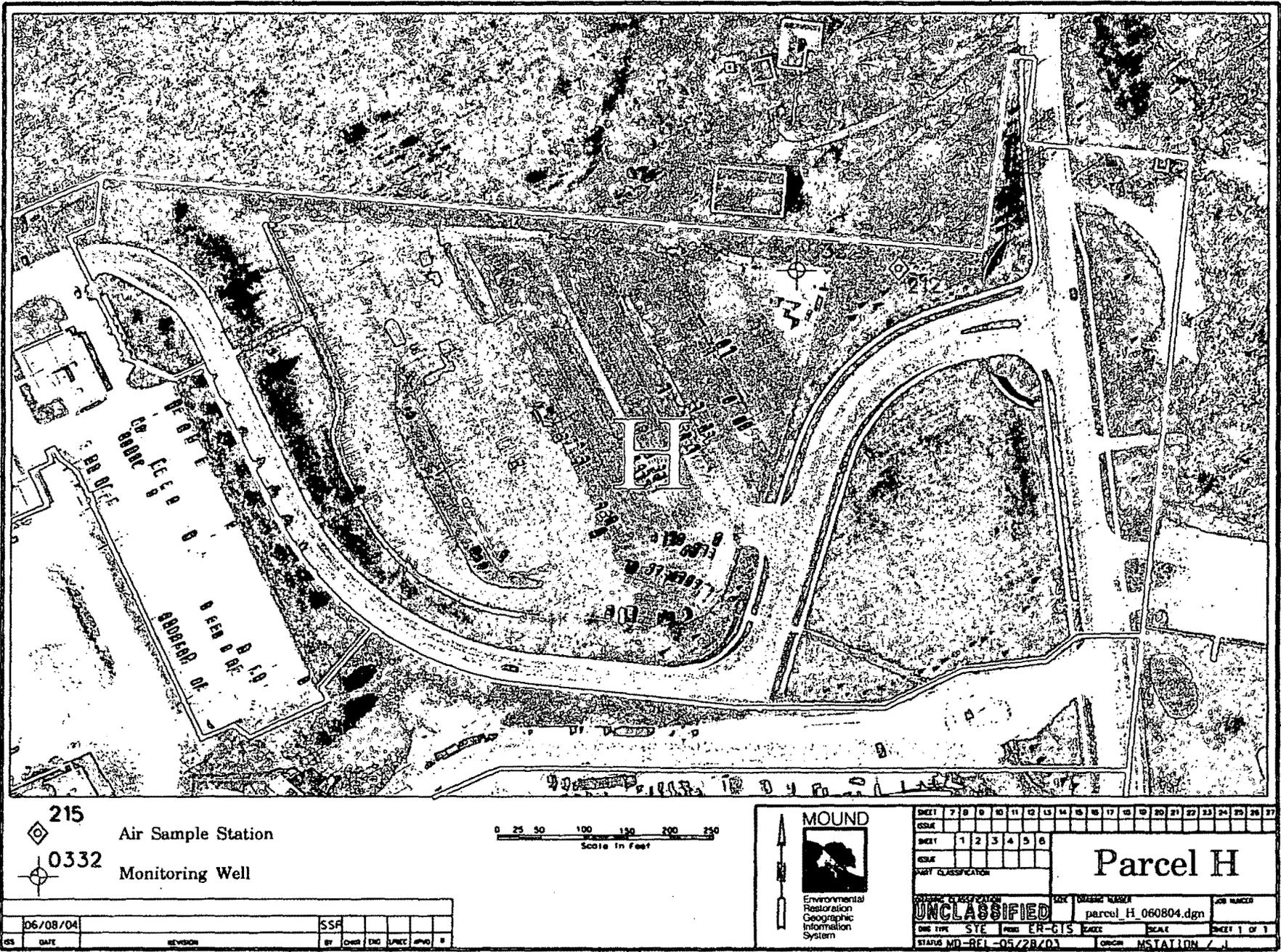
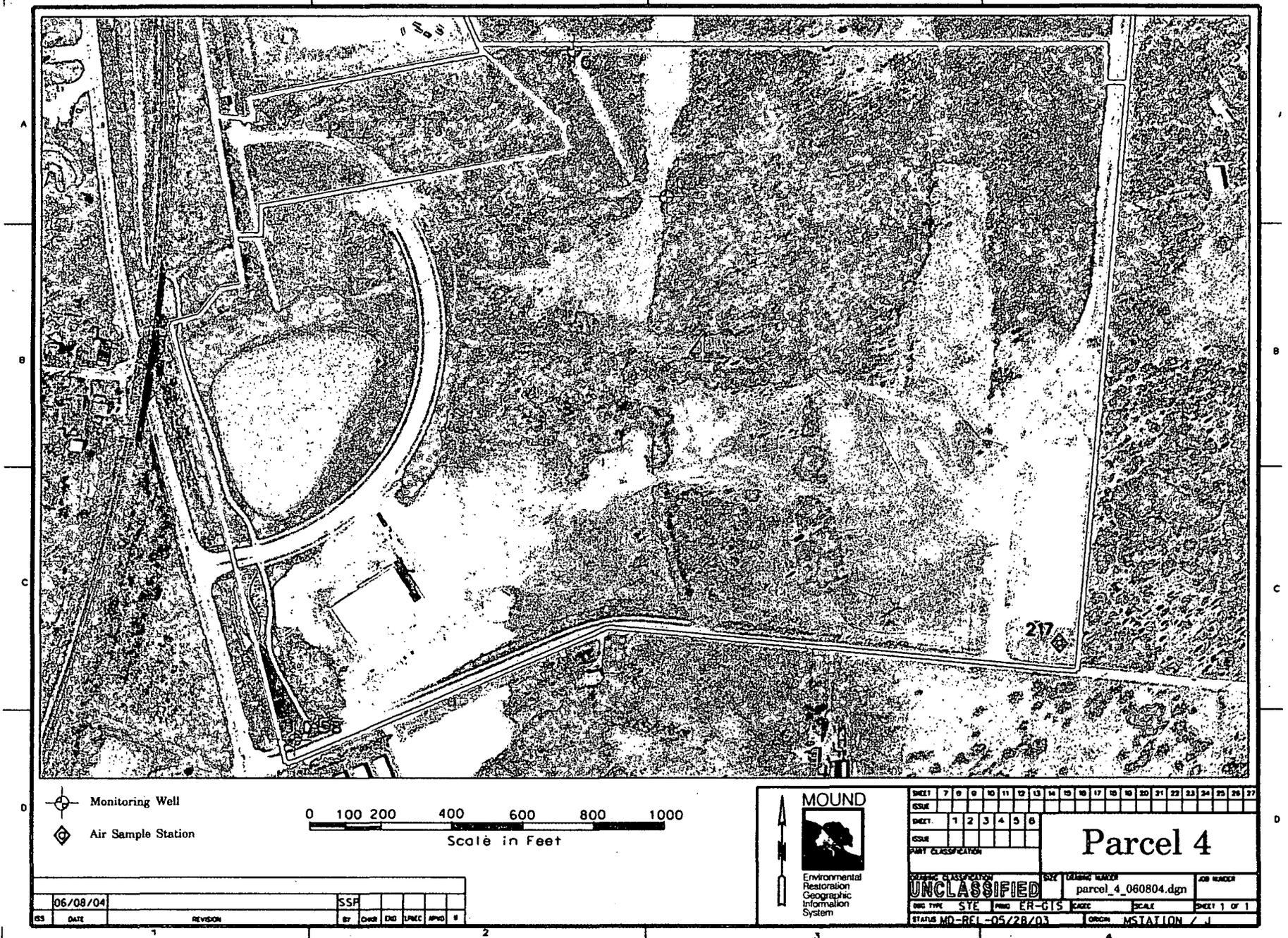


Figure 6. Digitized aerial photo of Parcel H taken April 2004



- ⊕ Monitoring Well
- ⊕ Air Sample Station

0 100 200 400 600 800 1000
Scale in Feet

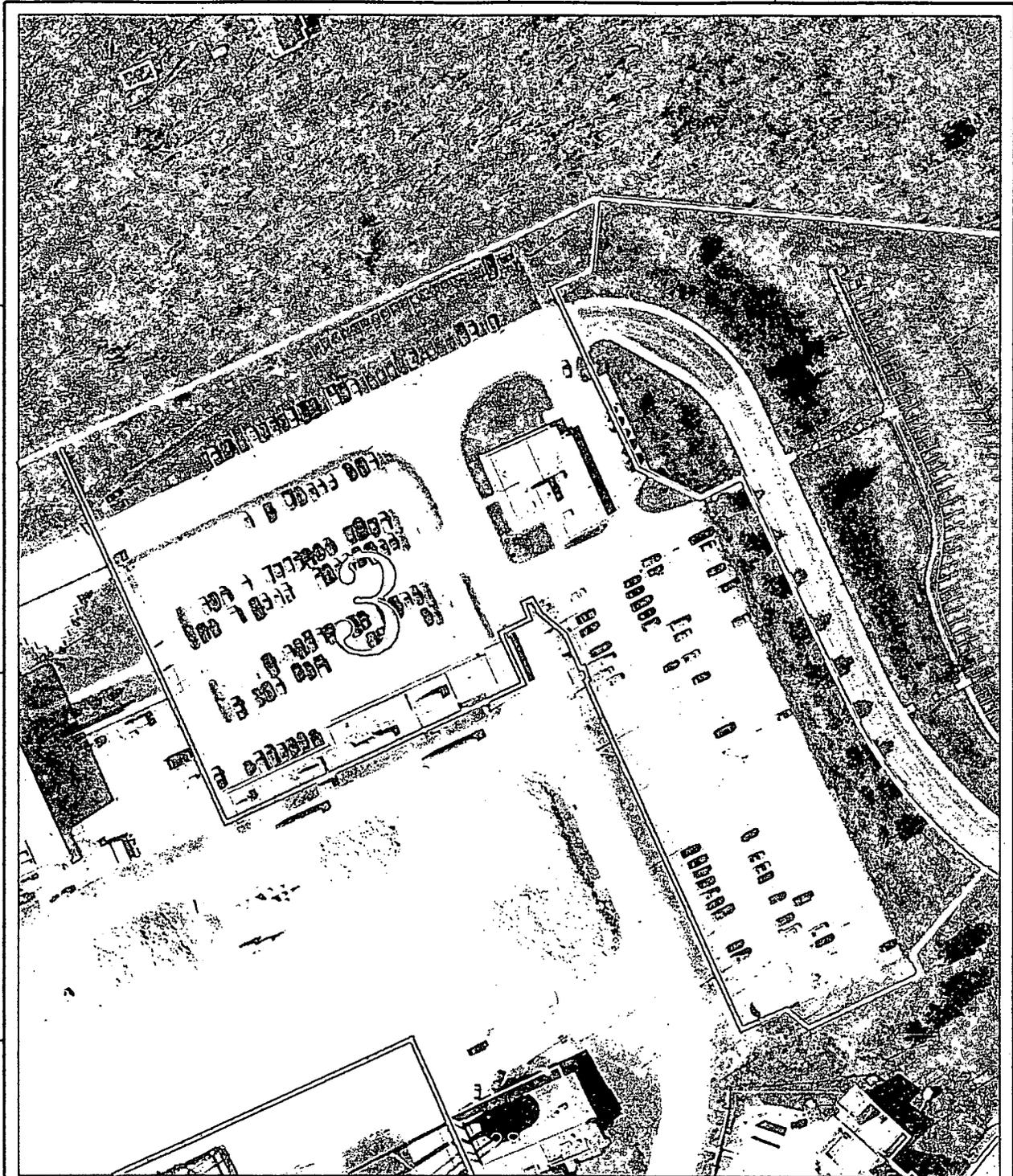
MOUND

Environmental
Restoration
Geographic
Information
System

SHEET	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27
ISSUE	1	2	3	4	5	6															
Parcel 4																					
PART CLASSIFICATION																					
UNCLASSIFIED																					
Dwg. Type: SYE												Dwg. Name: parcel_4_060804.dgn									
Status: MD-REF-05/28/03												Origin: M51ATION / J									

06/08/04																						
DATE	REVISION	SSP	BY	CHKD	ENR	LM/EC	APRD															

Figure 7. Digitized aerial photo of Parcel 4 taken April 2004



0 25 50 100 150 200 250
Scale in Feet



SHEET	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27
ISSUE	1	2	3	4	5	6															
ISSUE																					
PART CLASSIFICATION																					
CLASSIFICATION	UNCLASSIFIED										FILE	parcel_3_060804.dgn	JOB NUMBER								
DWG TYPE	STE	DWG	ER-GIS	SCALE																	
STATUS	MO-REL	-05/28/03	DRAWN	MSTATION	/	J															

06/08/04		SSF				
DATE	REVISION	BY	CHECK	DATE	APPROV	NO.

Figure 8. Digitized aerial photo of Parcel 3 taken April 2004.

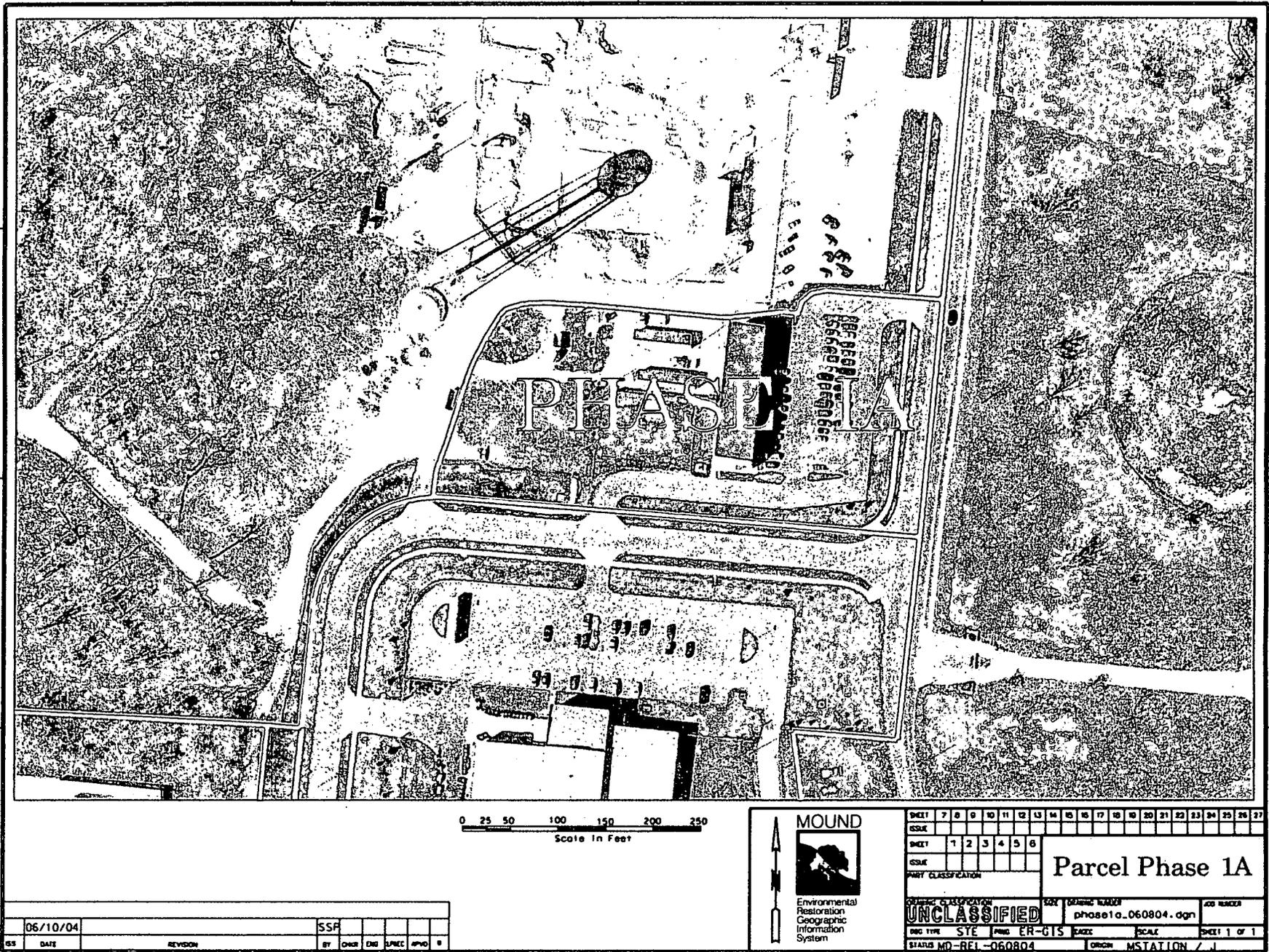
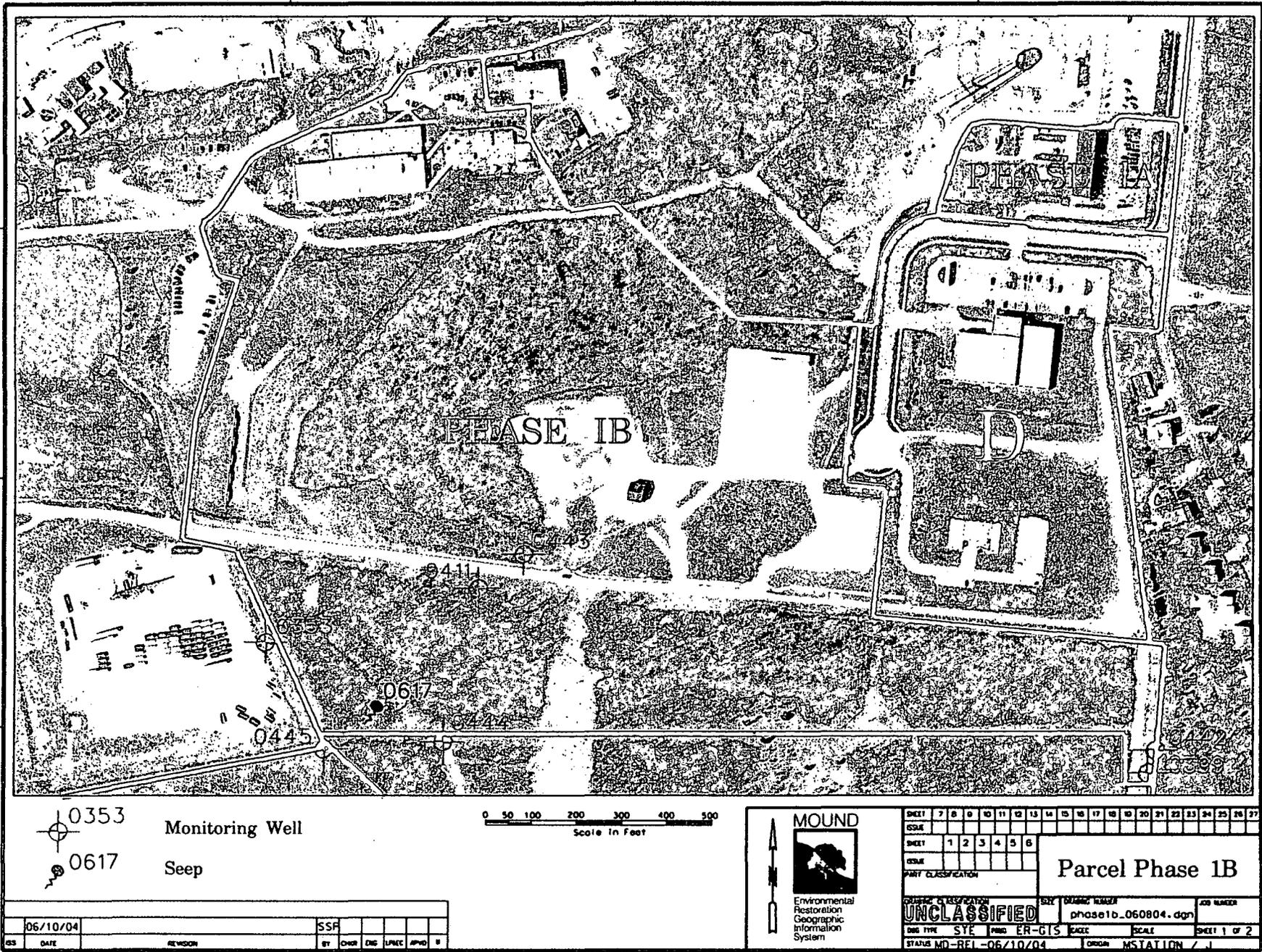


Figure 9. Digitized aerial photo of Phase I.A Sub-Parcel taken April 2004



 0353 Monitoring Well
 0617 Seep

0 50 100 200 300 400 500
 Scale in Feet

MOUND

 Environmental
 Restoration
 Geographic
 Information
 System

SHEET	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27
SCALE	1	2	3	4	5	6															
Parcel Phase 1B																					
UNCLASSIFIED												FILE: phase1b_060804.dgn JOB NUMBER:									
DATE: 06/10/04												PROJECT: ER-GIS SCALE: SHEET 1 OF 2 STATUS: MD-REF-06/10/04 ORIGIN: M51ATION / J									

06/10/04	SSP						
DATE	REVISION	BY	CHKD	ENG	INCHG	APPD	

Figure 10. Digitized aerial photo of Phase I.B Sub-Parcel taken April 2004.

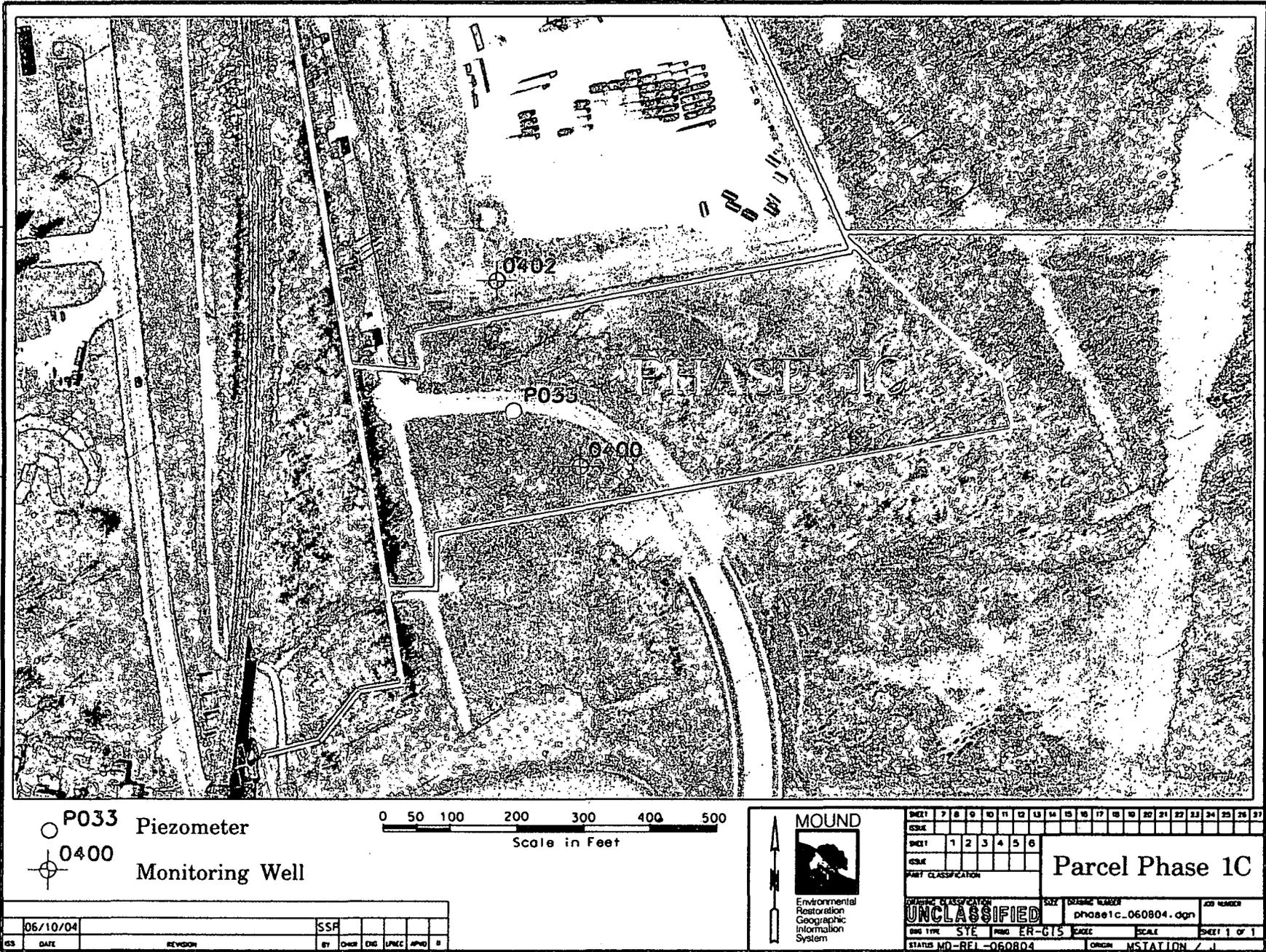


Figure 11. Digitized aerial photo of Phase I.C Sub-Parcel taken April 2004



Figure 12. Groundwater well #351 located in Parcel D, with open building previously used for salt storage in background.



Figure 13. Groundwater well #351 permanent identification tag on concrete pad (located in Parcel D).



Figure 14. Groundwater well (flush mount) #332 in northeast corner of Parcel H, with building 61 and Indian Mound/Mound Road in background.



Figure 15. Groundwater well (flush mount) #332 identification marker, located in northeast corner of Parcel H

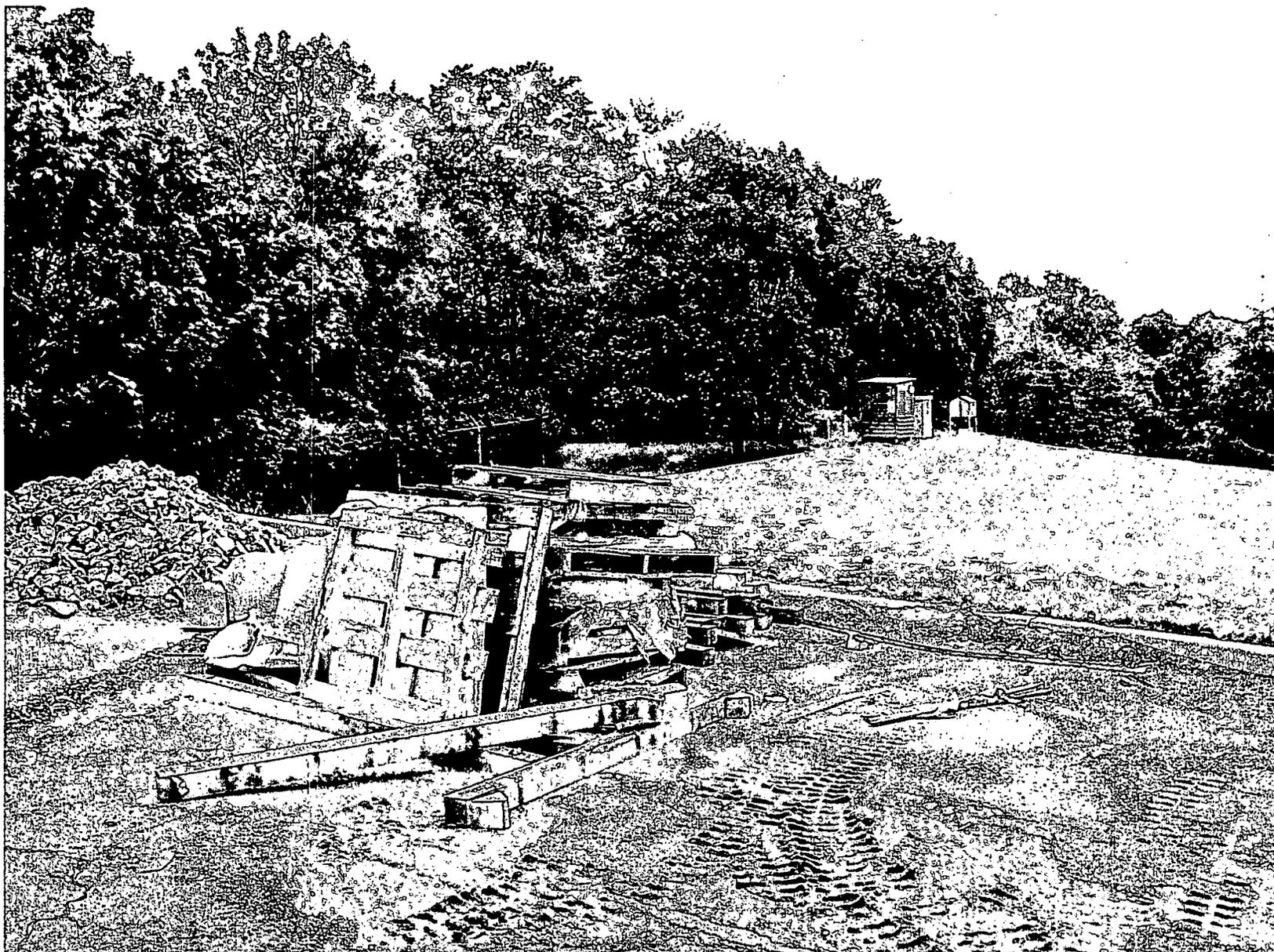


Figure 16. View from northeast corner of Parcel H, showing DOE and OEPA air monitoring stations. MMCIC's construction staging area in foreground.



Figure 17. MMCIC Flex building located in the southwest corner of Parcel 4, showing unfinished excavation/landscaping. View is from Vanguard Boulevard looking southwest.



Figure 18. MMCIC Flex building located in southwest corner of Parcel 4. Vanguard Boulevard shown to the right and Old State Route 25 in the background.



Figure 19. MMCIC Flex building located in southwest corner of Parcel 4, showing landscaping in progress.

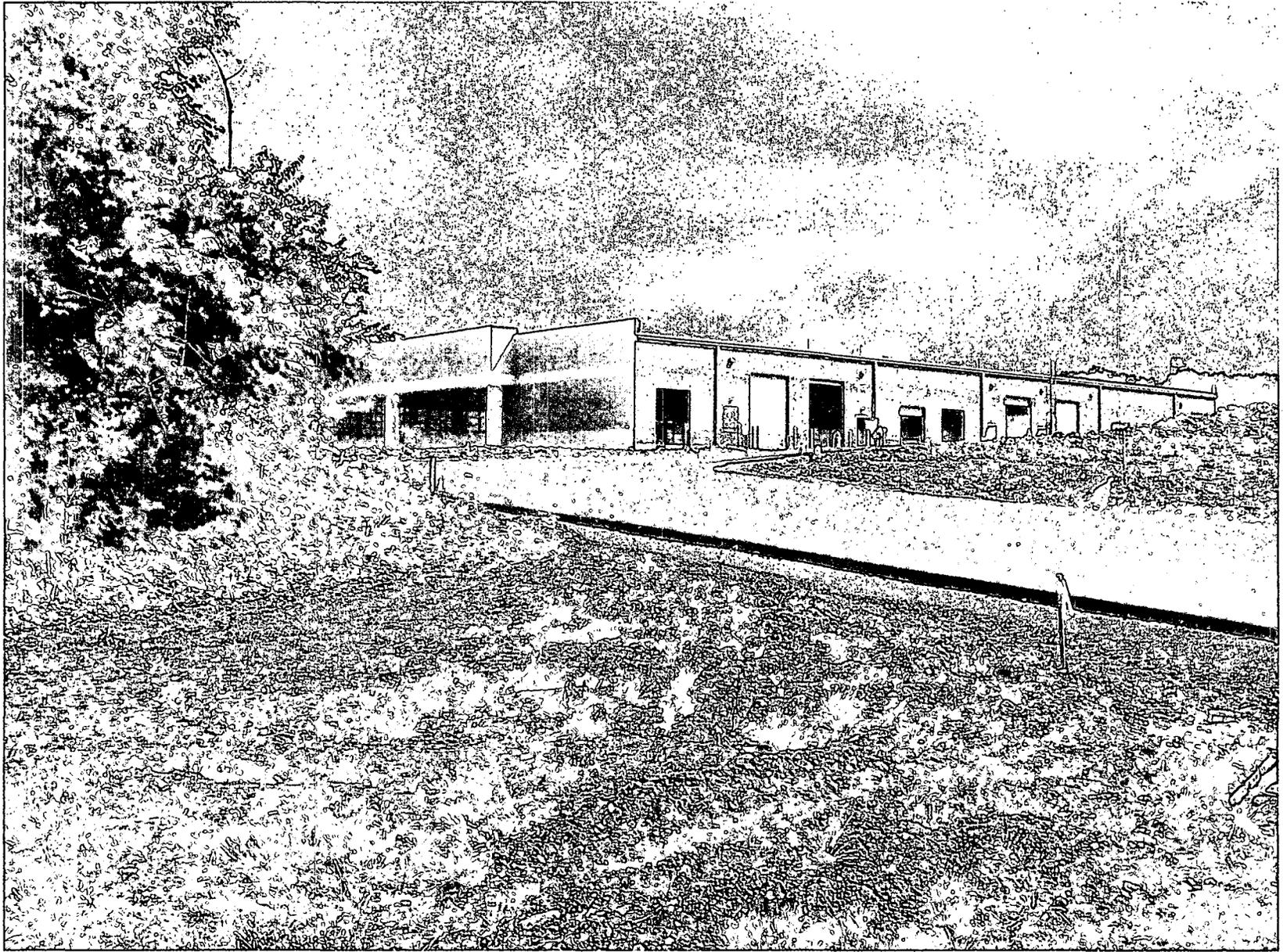


Figure 20. MMCIC Flex building located in southwest corner of Parcel 4. View from backside entrance off of Benner Road. Landscaping in progress.



Figure 21. MMCIC Flex building located in southwest corner of Parcel 4, showing backside of building with landscaping in progress.



Figure 22. Rear entrance to MMCIC Flex building (located in the southwest corner of Parcel 4) off of Benner Road. The City of Miamisburg waste water treatment plant and Old State Route 25 are in background.

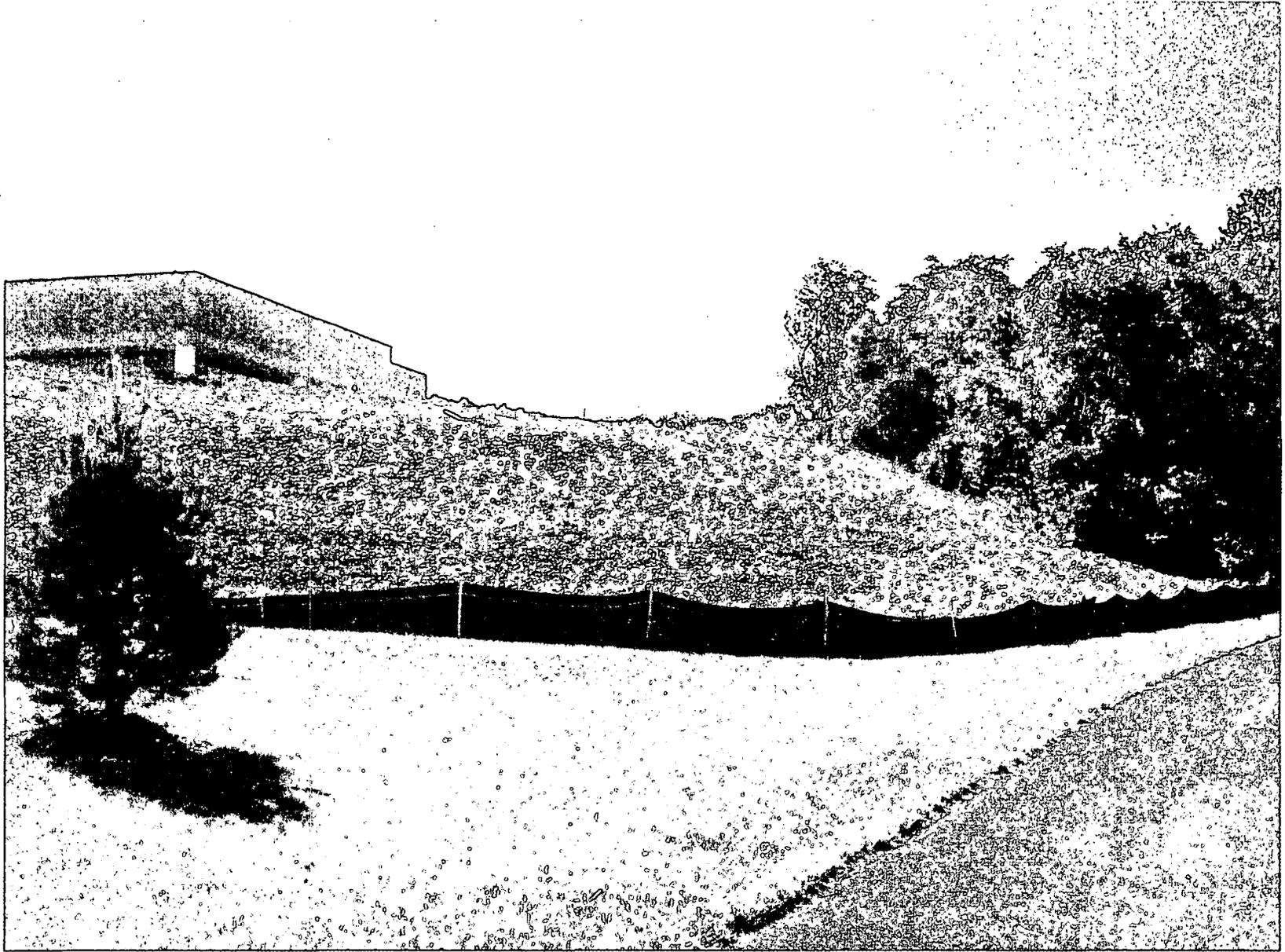


Figure 23. West side of MMCIC Flex building viewed from Vanguard Boulevard. Landscaping shown in progress.

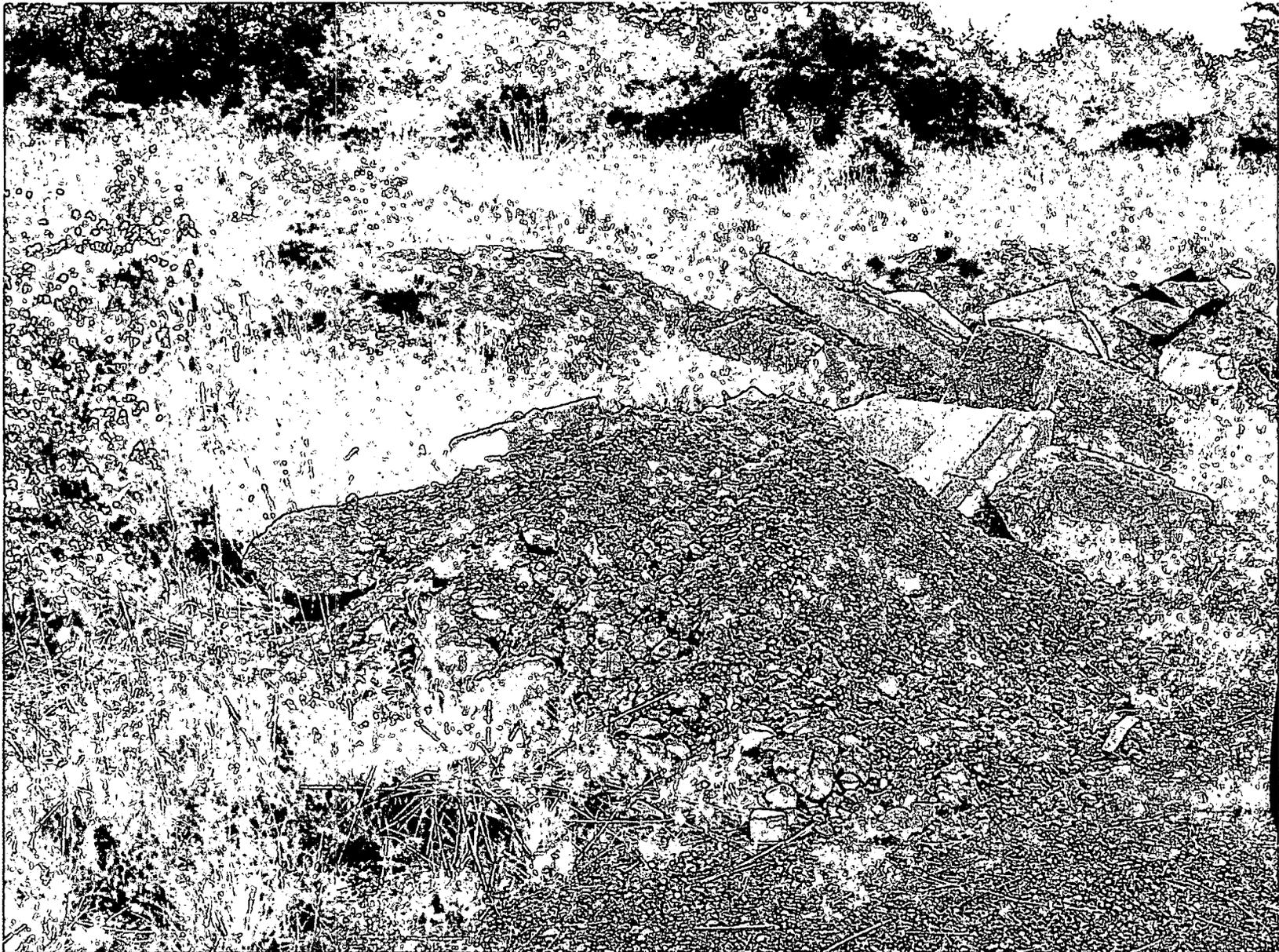


Figure 24. Construction rubble from COS building work, staged by MMCIC in the southeast corner of Parcel 4.



Figure 25. Additional piles of construction rubble, staged by MMCIC, in Parcel 4. Newly constructed Flex building and Benner Road visible in background.



Figure 26. Groundwater well #158 located in the southwest corner of Parcel 4, near the intersection (in background) of Benner Road and Old State Route 25.

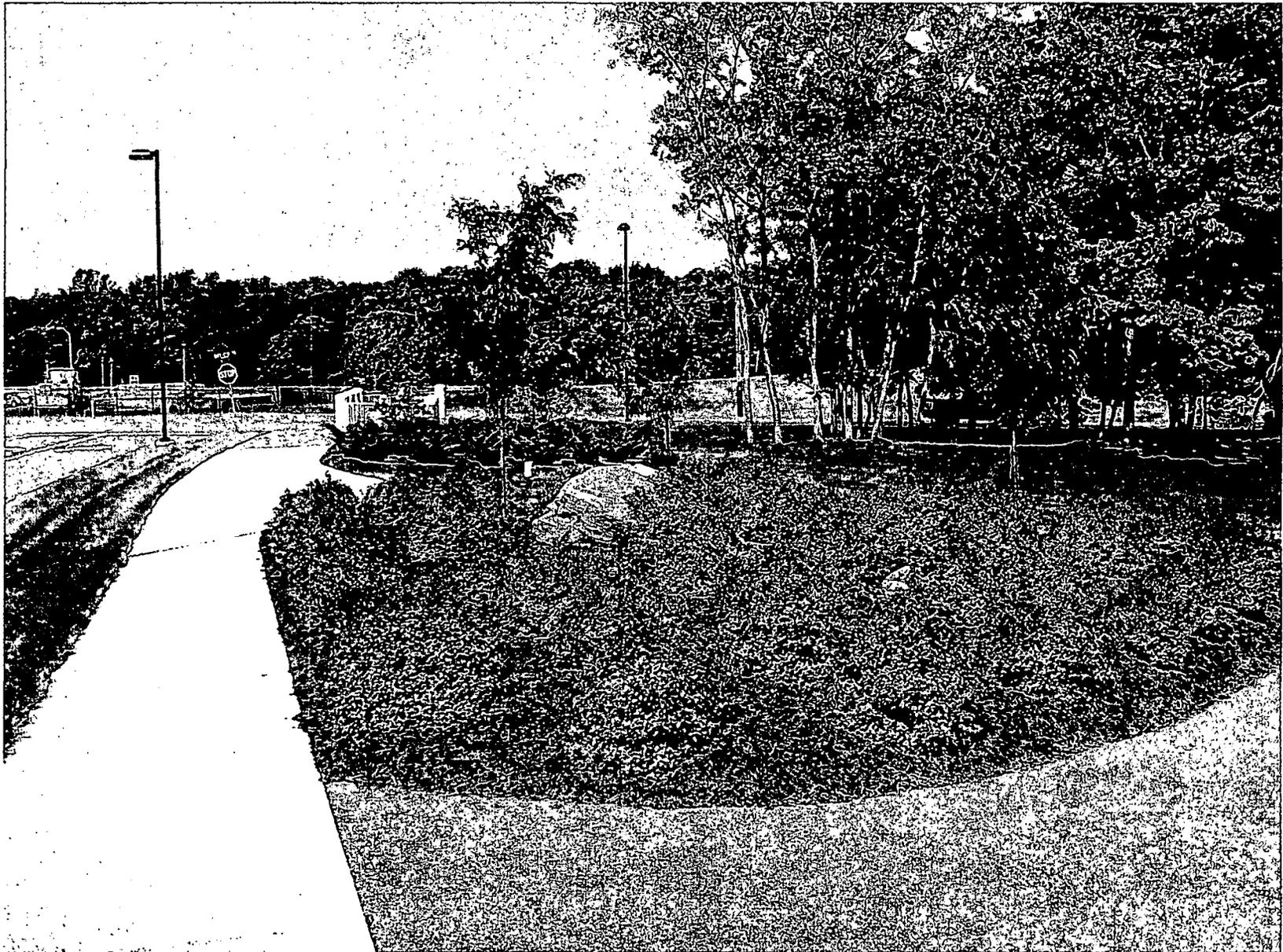


Figure 27. Landscaping in vicinity of groundwater well #158 (well in middle of photo, left of large rock). A pedestrian walkway (paved sidewalk) is located between the well and the rock.



Figure 28. Groundwater well #354 on northern boundary of Parcel 4. MMCIC's stormwater retention pond and fountain visible in background.



Figure 29. Groundwater well #444 on northern boundary of Parcel 4.



Figure 30. Sinkhole (in background), associated with DOE's original site storm water drainage system, in southeast corner of parcel 3. Excavated materials and barricades to pedestrian access are in foreground.

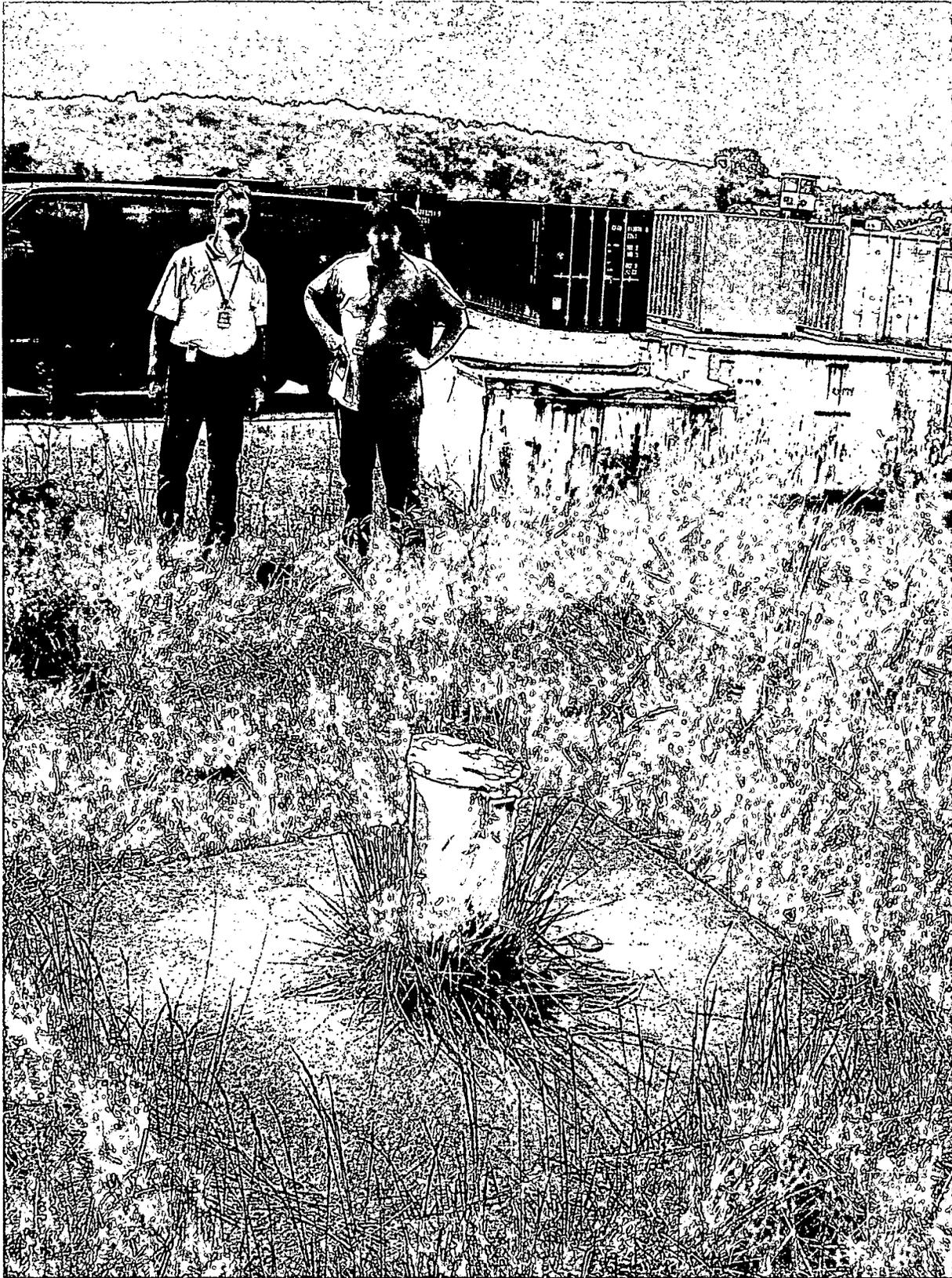


Figure 31. Groundwater well #353 located on DOE property to the north of Phase I.C Sub-Parcel. Well not located in Phase I, but is monitored as a part of the Phase I parcel MNA remedy.



Figure 32. Groundwater well #402 located on DOE property to the north of Phase I.C Sub-Parcel. Well not located in Phase I, but is monitored as a part of the Phase I parcel MNA remedy. Flex building, on Parcel 4, due south of well #402



Figure 33. Groundwater well #442 in foreground, well # 399 in background, located on eastern edge of Phase I.B Sub-Parcel. Private property fence in upper left, original DOE construction gate entrance in upper right of photo.



Figure 34. Permanent identification marker in concrete pad for groundwater well #399 located on eastern boundary of Phase I.B Sub-Parcel.

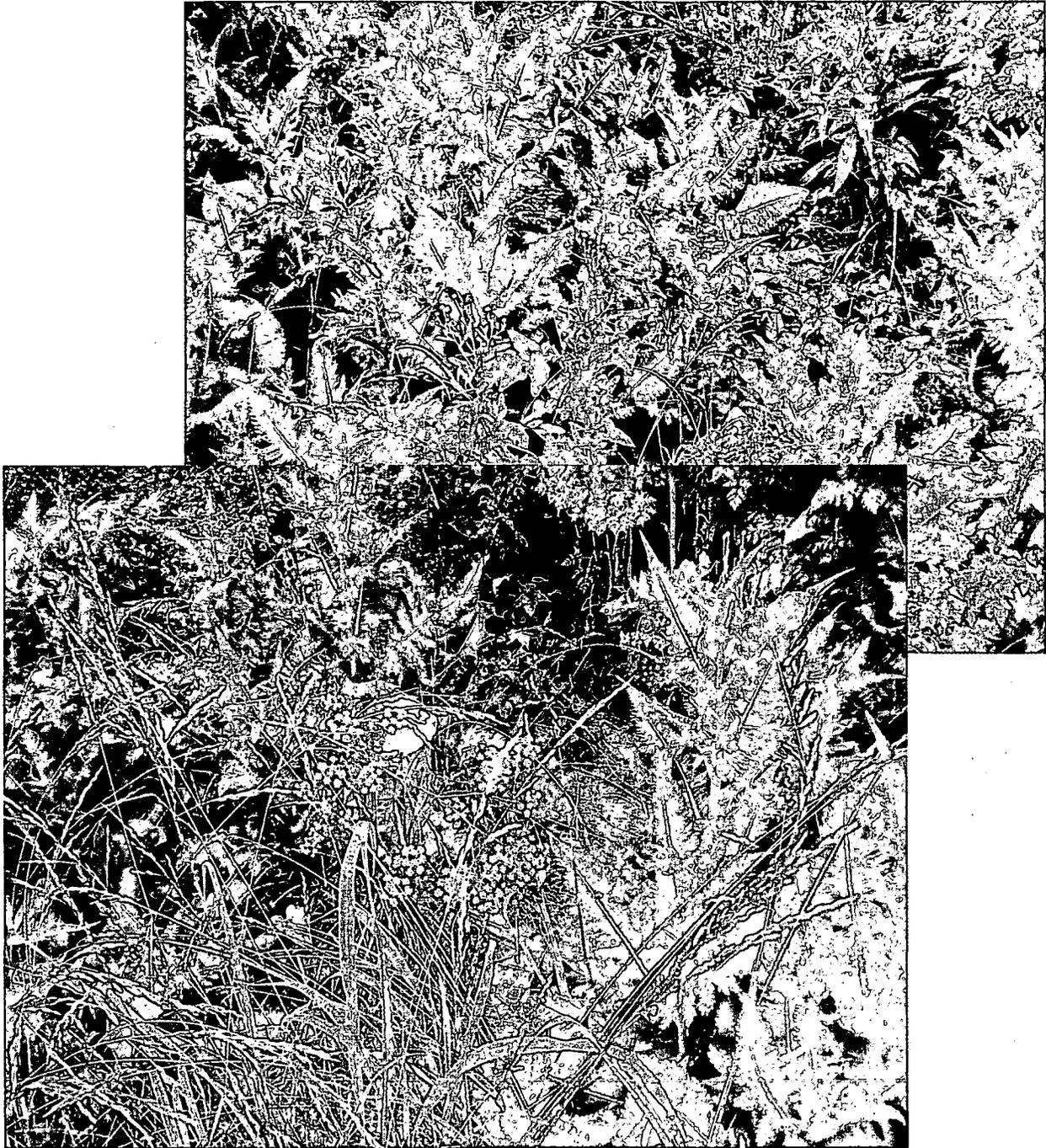


Figure 35. Groundwater wells 344 and 319, located in the southwest corner of Phase I.C Sub-Parcel.



Figure 36. Groundwater well #400 located in the southern section of Phase I.C Sub-Parcel. Viewed looking east.



Figure 37. Permanent identification tag for groundwater well #400, located in the southern section of Phase I.C Sub-Parcel.



Figure 38. Piezometer P033 located in Phase I.C Sub-Parcel viewed to the south. MMCIC Flex building and stormwater retention pond and fountain visible in the background.



Figure 39. Piezometer P033 located in Phase I.C Sub-Parcel, viewed to the west with DOE production well #3 shown in the background.



Figure 40. Groundwater well #445 located in the northeast corner of Phase I.C Sub-Parcel, with DOE property fence and empty container storage/former rock crushing area in background.



Figure 41. Groundwater well #411 located in Phase I.B Sub-Parcel, near the east/west access road.



Figure 42. Groundwater well # 443 located in Phase I.B Sub-Parcel, with the east/west access road in the background.



Figure 43. Groundwater seep #617 located near the southern boundary of the Phase I.B Sub-Parcel. Seep samples are taken from PVC pipe.



Figure 44. Former DOE salt storage shed located in Phase I.B Sub-Parcel.



Figure 45. Soil pile near the former salt storage shed in Phase I.B Sub-Parcel, viewed to the northwest. Soil was generated from two joint-MMCIC/DOE construction projects.

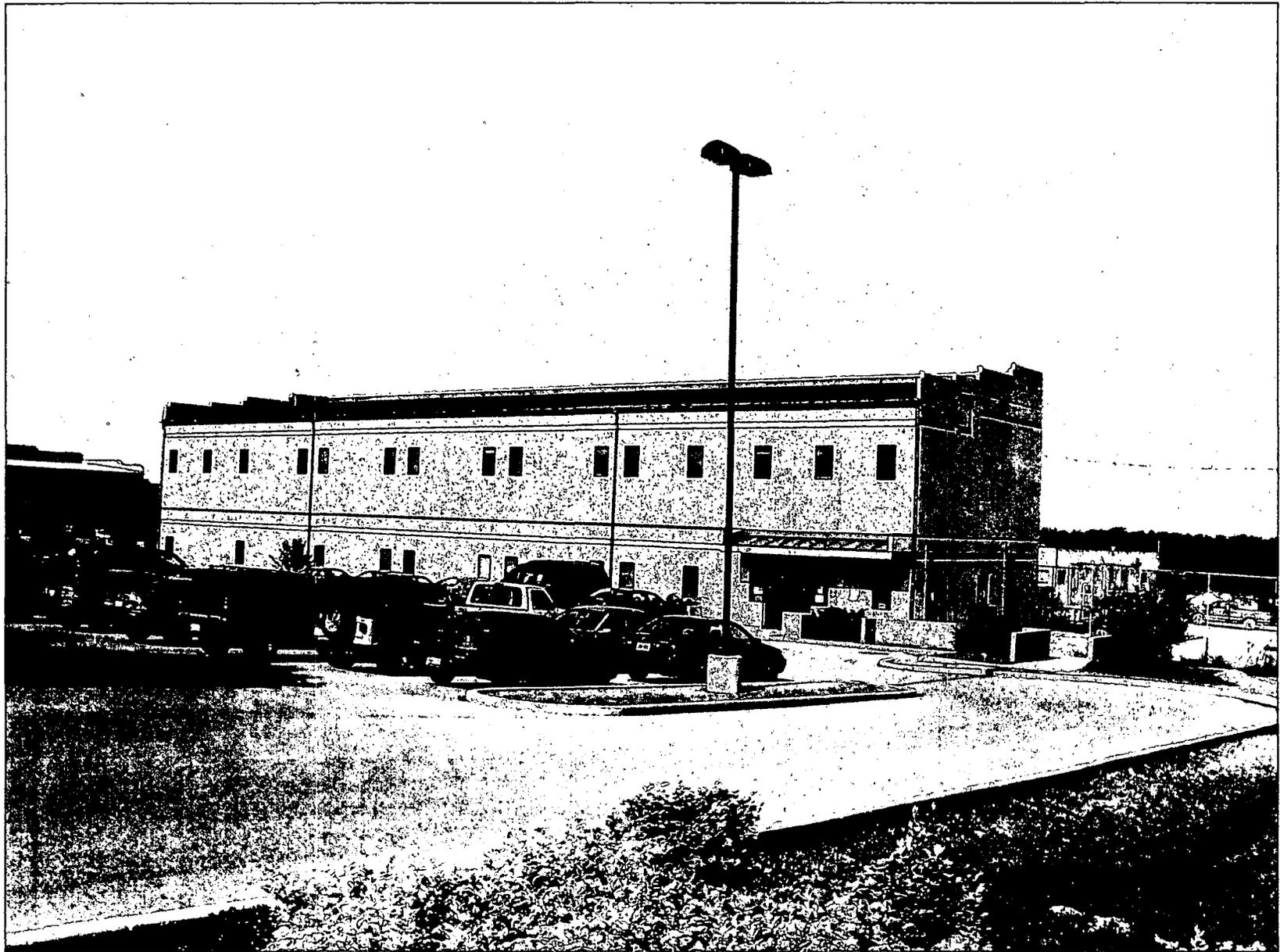


Figure 46. Building 102 located in the Phase I.A Sub-Parcel. Viewed looking to the southwest from Mound Road.

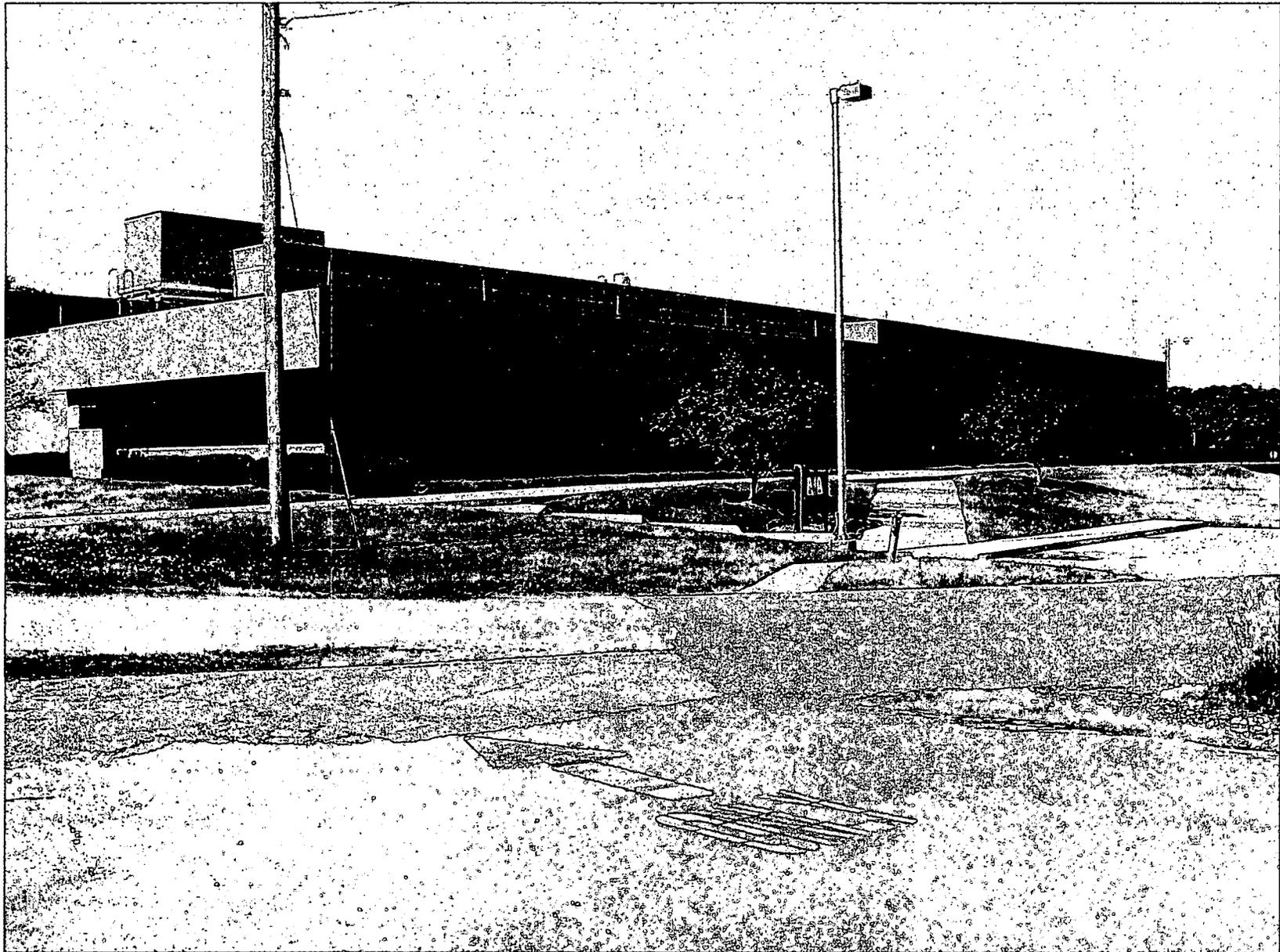


Figure 47. Building 87 located in the northern section of the Phase I.B Sub-Parcel. Building is currently occupied by a MMCIC tenant.

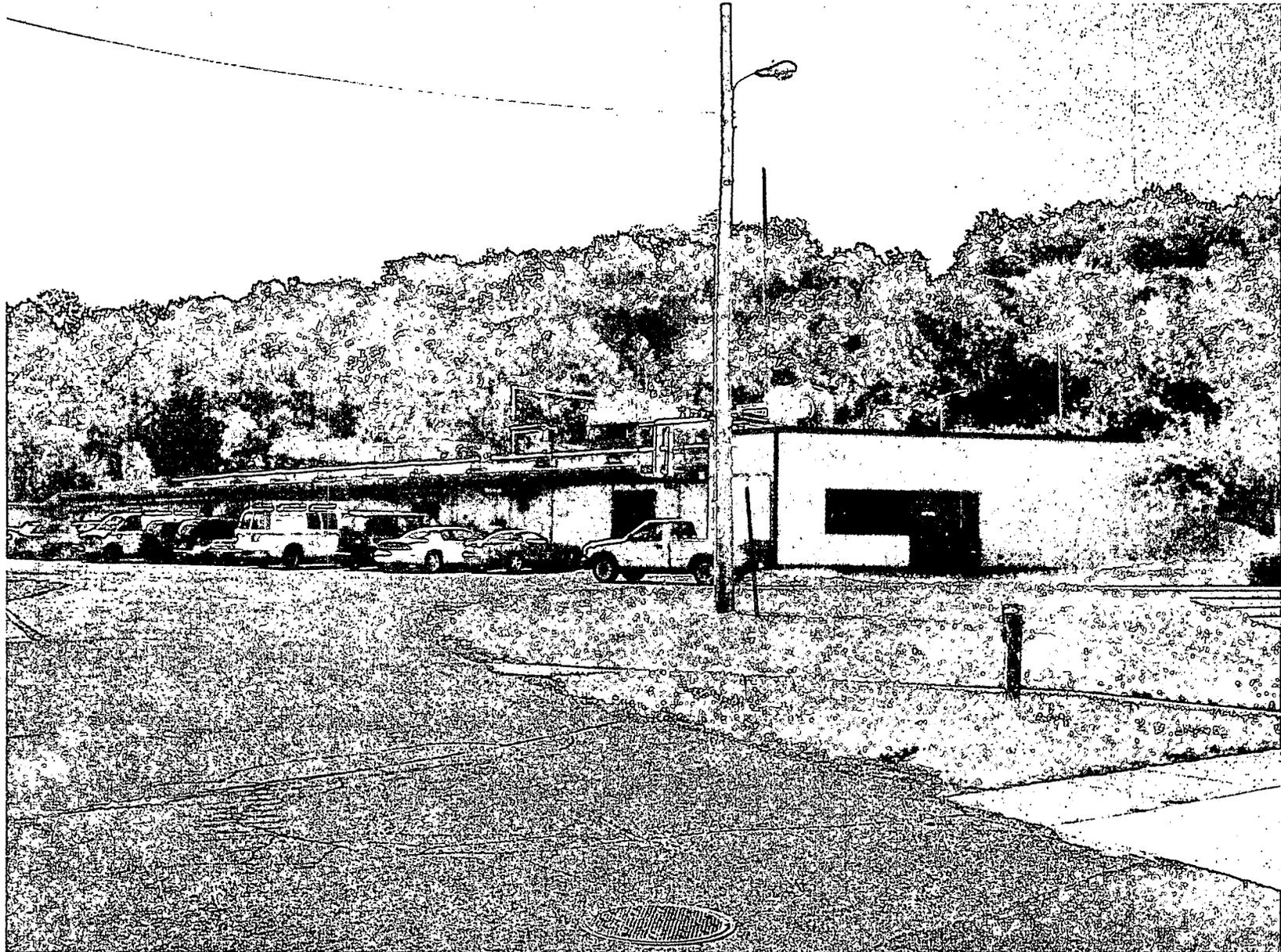


Figure 48. Building 3 located in the northern part of the Phase I.B Sub-Parcel. Building is currently occupied by a MMCIC tenant.

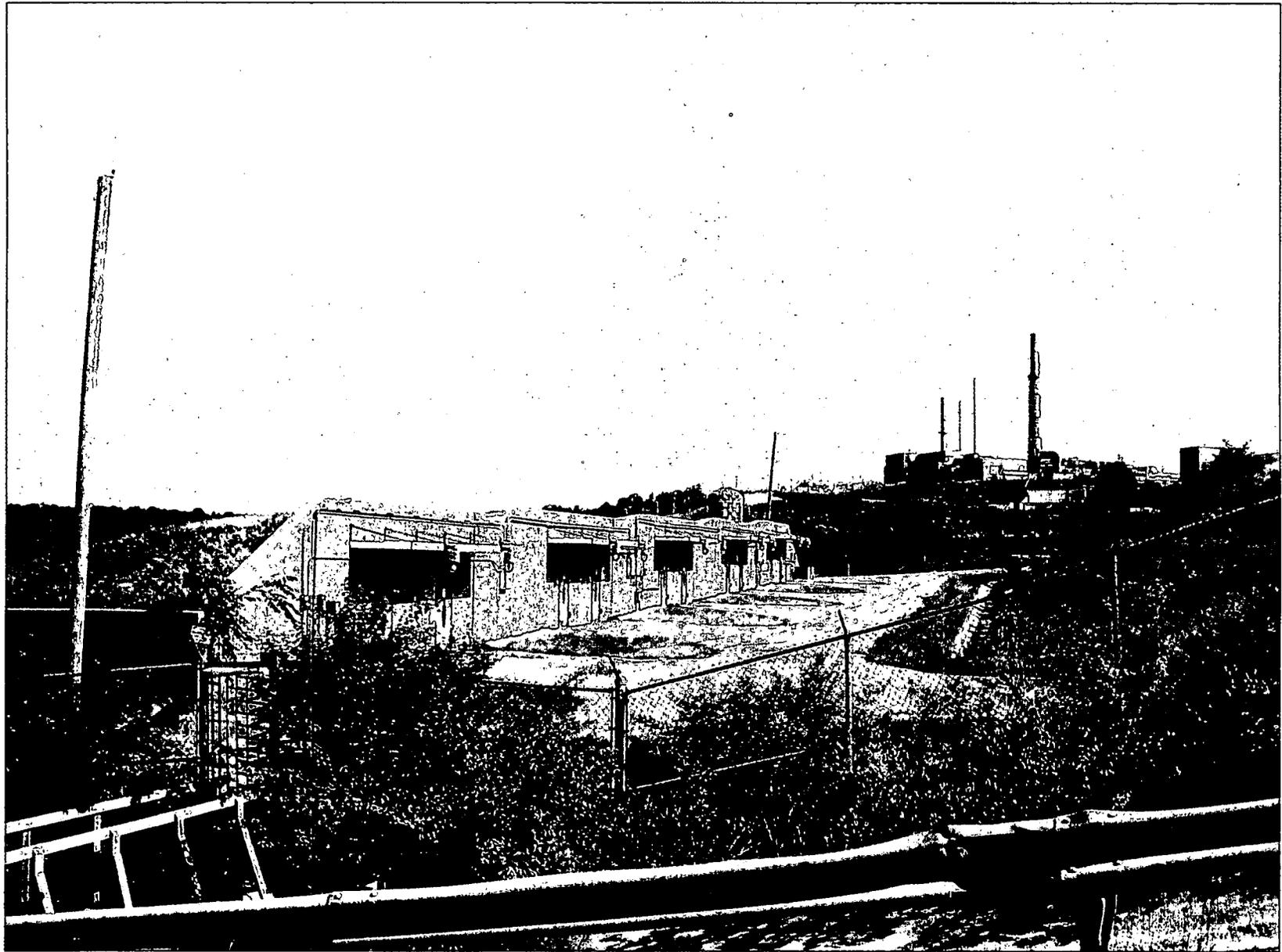


Figure 49. Explosive material storage magazine #'s 80-84, located on the western boundary of the Phase I.B Sub-Parcel. The magazines are currently leased by MMCIC's Building 87 tenant.

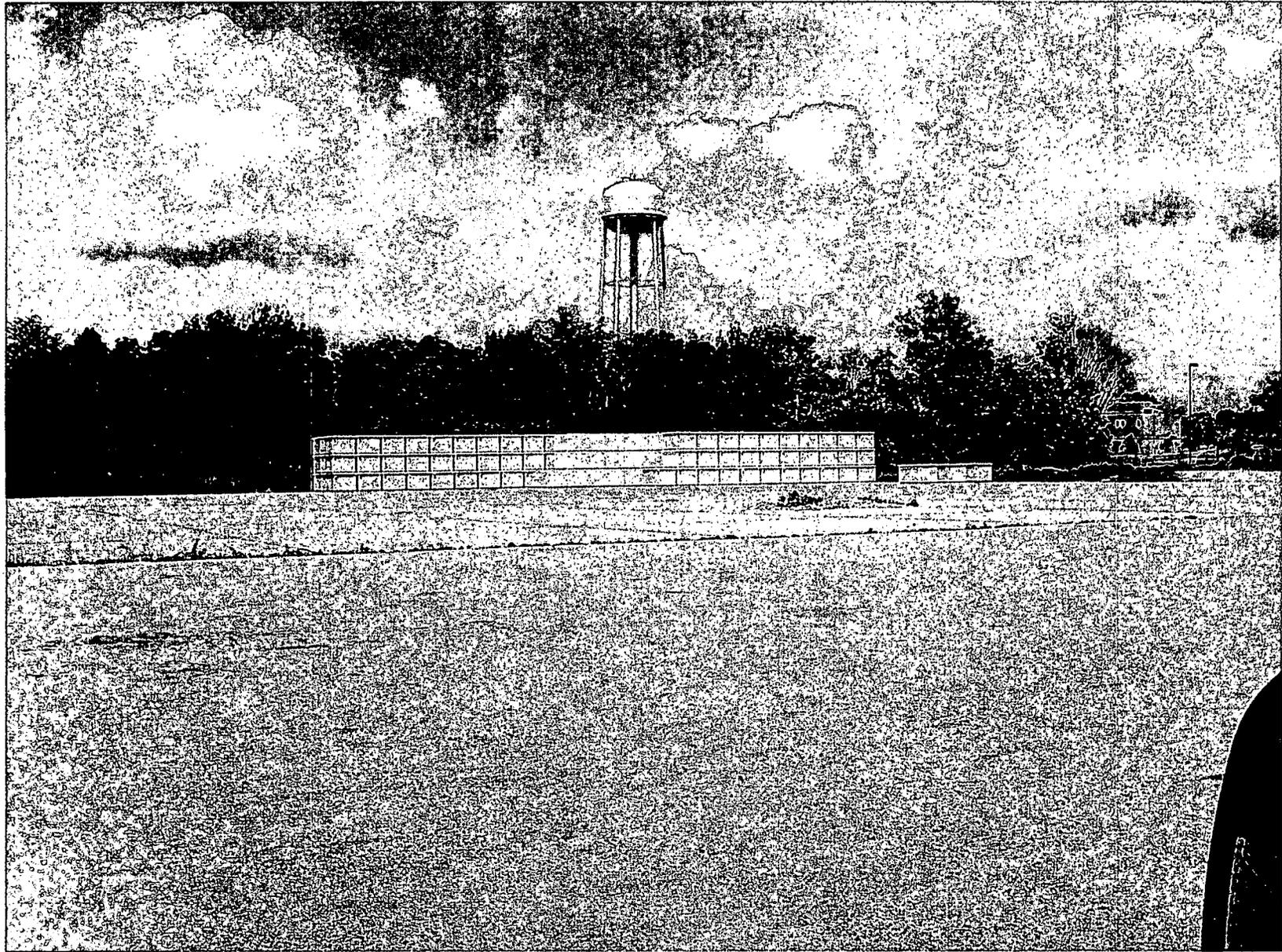


Figure 50. Concrete pad used for storage of new, empty waste containers. Building 102 is visible at center right of photo.