



State of Ohio Environmental Protection Agency

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Columbus, OH 43216-1049

RECEIVED

MAR 24 2010

OHIO EPA/CDO

CERTIFIED MAIL

March 22, 2010

Honorable David S. Smith
Mayor
City of Lancaster
Municipal Building, Room 101
104 East Main Street
Lancaster, Ohio 43130

**RE: Issuance of Covenant Not To Sue for the Former Anchor Hocking
Plant #2 Property (09NFA339)
Project #1123-001188-007**

Dear Mayor Smith:

I am pleased to inform you that on March 22, 2010, the Director of the Ohio Environmental Protection Agency issued a covenant not to sue (CNS) to city of Lancaster for the former Anchor Hocking Plant #2, located at 911 Lawrence Street, Lancaster, Fairfield County, Ohio. The CNS was issued as final findings and orders pursuant to Ohio Revised Code (ORC) Chapter 3746 and Ohio Administrative Code (OAC) Chapter 3745-300.

The CNS states that based on the no further action (NFA) letter, and subject to all conditions set forth in these findings and orders, Ohio EPA covenants not to sue and releases the city of Lancaster and its agents, employees, officers, directors, and successors and assigns of the property, from all civil liability to the State of Ohio to perform additional investigational and remedial activities. The CNS and release of liability applies to the property that has undergone a Phase I or Phase II property assessment in compliance with ORC Chapter 3746 and OAC Chapter 3745-300 or has been the subject of remedial activities conducted under ORC Chapter 3746 and OAC Chapter 3745-300 to address a release of hazardous substances or petroleum, and the assessment or the remedial activities demonstrate or result in compliance with applicable standards.

Enclosed is a certified copy of the CNS and its exhibits for the recording of the documents in the same manner as a deed for the property, as instructed by the CNS (see the "Conditions and Limitations" section of the CNS.) The enclosed affidavit should be presented to the county recorder's office staff to support the required recording. Remember to submit to Ohio EPA after the recording a copy of the CNS that shows the filing date stamp of the county recorder's office.

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

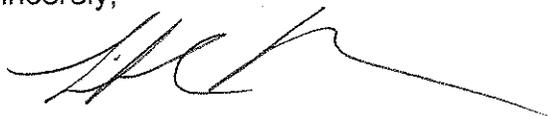
Further, the environmental covenant, attached to the CNS as Exhibit 4, must also be recorded in the same manner as a deed to the property (see the "Conditions and Limitations" section of the CNS). Please record the environmental covenant just prior to and separate from the recording of the CNS and its remaining exhibits. The CNS becomes effective on the date of the recording of the environmental covenant. Like the CNS recording, remember to submit to Ohio EPA a copy of the environmental covenant that shows the county recorder's date stamp. For questions on the recording of these documents, you can consult Ohio EPA Legal Office attorney, Sue Kroeger, at (614) 644-3037.

OAC 3745-300-03 authorizes Ohio EPA to charge for its actual costs that it may incur related to site-specific activities, such as the monitoring of compliance with the CNS and its risk mitigation plan, including the review of the submitted reports. Ohio EPA will send a separate correspondence to provide the number of the VAP account established for the property and to ask you to verify the billing information.

The issuance of the CNS is a final action of the Director and may be appealed to the Environmental Review Appeals Commission pursuant to ORC 3745.04. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. The appeal must be filed with the Commission within 30 days after notice of the Director's action. The appeal must be accompanied by a filing fee of \$70.00, made payable to "Ohio Treasurer Kevin Boyce," which the Commission, in its discretion, may reduce if by affidavit it is demonstrated that payment of the full amount of the fee would cause extreme hardship. Notice of the filing of the appeal shall be filed with the Director within three days after the appeal is filed with the Commission. Ohio EPA requests that a copy of the appeal be served upon the Ohio Attorney General's Office, Environmental Enforcement Section. An appeal may be filed with the Commission at the following address: Environmental Review Appeals Commission, 309 South Fourth Street, Room 222, Columbus, Ohio 43215.

Congratulations on the issuance of this CNS. Many persons within the agency, city of Lancaster, and Hull and Associates, among others, worked hard to remove the environmental barriers associated with redeveloping this property. If you have any questions or concerns, feel free to contact me at (614) 644-2924 or tiffani.kavalec@epa.state.oh.us.

Sincerely,



Tiffani Kavalec, Manager
Division of Emergency and Remedial Response
Assessment, Cleanup and ReUse (ACRE)

Enclosure

cc: Steven M. Gross, Certified Professional, Hull and Associates
CO DERR-VAP Files
CDO DERR Files

ec: Fred Myers, DERR-CDO
Deborah Strayton, DERR-CDO
Sue Kroeger, Legal Office

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MAR 24 2010

TO BE RECORDED IN DEED RECORDS,
PURSUANT TO ORC 317.08(A)

OHIO EPA/CDO

AFFIDAVIT

STATE OF OHIO)
)
COUNTY OF FRANKLIN) ss:

Before me, the subscriber, a Notary Public in and for the State of Ohio, personally appeared Tonya R. Lassiter, who, being duly sworn according to law, deposes and says that: (i) she is employed as a records management officer in the Legal Office of the Ohio Environmental Protection Agency ("Ohio EPA") and, as such, is authorized to sign this Affidavit on behalf of Ohio EPA; and (ii) the attached document is a true and correct copy of the Covenant Not to Sue / Director's Final Findings and Orders issued by the Director, and entered in the Ohio EPA Director's Journal on March 22, 2010, regarding property known as Former Anchor Hocking Plant #2, located at 911 Lawrence Street, Lancaster, Fairfield County, Ohio and further described in the attached Covenant Not to Sue.

Tonya R. Lassiter
Tonya R. Lassiter
Records Management Officer
Ohio EPA Legal Office

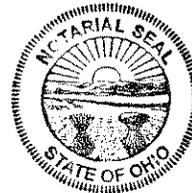
Sworn to and subscribed before me, a Notary Public in and for the State of Ohio, this 22nd day of March, 2010.

[Signature]
Notary Public
State of Ohio

*Permanent Commission
No expiration, R.C. 147.03*

This instrument prepared by:

Sue Kroeger, Attorney
Ohio EPA Legal Office
P.O. Box 1049
Columbus, Ohio 43216-1049



SUSAN C. KROEGER
Attorney at Law
Notary Public
State of Ohio
Lifetime Commission

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

RECEIVED

MAR 24 2010

OHIO E.P.A.

MAR 22 2010

By: Tom Lassiter Date: 3-22-10

OHIO EPA/GDO

ENTERED DIRECTOR'S JOURNAL

BEFORE THE

OHIO ENVIRONMENTAL PROTECTION AGENCY

In the matter of:

City of Lancaster
104 East Main Street
Lancaster, Ohio

Covenant Not to Sue

Director's Final Findings
and Orders

Regarding property known as:

Former Anchor Hocking Plant No. 2
911 Lawrence Street
Lancaster, Ohio

Pursuant to Ohio Revised Code ("ORC") Chapter 3746 and Ohio Administrative Code ("OAC") Chapter 3745-300, the Director of the Ohio Environmental Protection Agency (the "Director") hereby makes the following Findings and issues the following Orders ("Findings and Orders").

FINDINGS

1. A No Further Action Letter, No. 09NFA339 (the "NFA Letter"), was submitted on February 27, 2009 to the Director under the Voluntary Action Program on behalf of the city of Lancaster, Ohio (the "Volunteer"), by Steven M. Gross, a certified professional, No. CP192, as defined in ORC 3746.01(E) and OAC 3745-300-01(A) (the "Certified Professional").
2. The Certified Professional issued the NFA Letter by his CP affidavit on February 26, 2009. The Certified Professional also submitted to the Director an addendum to the NFA Letter, which was issued under CP affidavit on December 30, 2009. For the purposes of these Findings and Orders, the term "NFA Letter" includes the addendum.
3. The NFA Letter describes the investigational and remedial activities undertaken at the approximately 16.69-acre property, formerly known as Anchor Hocking Plant No. 2, located at 911 Lawrence Street, Lancaster, Fairfield County, Ohio

(the "Property"). An exact legal description of the Property is attached hereto as Exhibit 1. The property location map is attached hereto as Exhibit 2. Based on information in the NFA Letter, the Property is owned by the city of Lancaster and consists of most of Parcel Number 0535883700 (formerly 0535008400), which covers approximately 18.82 acres.

4. The Certified Professional prepared pursuant to OAC 3745-300-13(J) an executive summary of the NFA Letter, which is attached hereto as Exhibit 3.

Summary of the Voluntary Action for the Property

5. The Volunteer conducted its voluntary action under Ohio's Voluntary Action Program in accordance with ORC Chapter 3746 and OAC 3745-300.
6. Based upon the information in the NFA Letter, the Volunteer undertook the following investigational and remedial activities regarding the Property:
 - a. A Phase I property assessment, in accordance with OAC 3745-300-06, to determine whether there is any reason to believe that a release of hazardous substances or petroleum has or may have occurred on, underlying or is emanating from the Property.
 - b. A Phase II property assessment, in accordance with OAC 3745-300-07, including but not limited to investigations of identified areas and affected media, to assess environmental conditions related to releases of hazardous substances and/or petroleum.
 - c. A verification pursuant to OAC 3745-300-10 to determine that the Urban Setting Designation for the "East Lancaster Development Corridor" approved by the Director on June 5, 2003 applies to and remains protective for the Property and to determine the response requirements under that rule.
 - d. Activity and use limitations contained in a proposed Environmental Covenant prepared pursuant to ORC 5301.80 to 5301.92, subject to execution by the Director and recording as described in these Findings and Orders.
 - e. A Risk Mitigation Plan (the "RMP"), prepared in accordance with OAC 3745-300-15, that provides various risk mitigation measures for construction or excavation activities at the Property.
 - f. Other remedial activities, conducted in accordance with OAC 3745-300-15, including the excavation and removal of soil to the applicable points of compliance.

human exposure to arsenic, cadmium, and lead in soil at the Property, during construction or excavation activities. The RMP also mitigates or eliminates exposure to metals (antimony, arsenic, lead, and zinc) and volatile organic compounds (benzene, 1,1 dichloroethene, tetrachloroethene, trichloroethene, and vinyl chloride) in ground water.

Applicable Standards

11. Based on the information contained in the NFA Letter and all conditions set forth in these Findings and Orders, the Property meets applicable standards contained in ORC Chapter 3746 and OAC Chapter 3745-300 for various uses including commercial and industrial land use and restricted ground water use. The applicable standards for the Property are those in effect when the NFA Letter was issued on February 26, 2009. The applicable standards, the methods of achieving compliance with the standards, and the associated points of compliance for the standards for each complete exposure pathway, are identified in the NFA Letter, which contains a summary table titled *Table 10, Applicable Standards and Remedial Activities for Each Exposure Pathway* in the NFA Letter Form at Section D. The standards include one or more of the following:
 - a. Generic numerical standards determined in accordance with OAC 3745-300-08.
 - b. Property-specific risk assessment standards developed in accordance with OAC 3745-300-09.
 - c. Background standards determined in accordance with ORC 3746.06(A) and OAC 3745-300-07(H).
 - d. Standards for residential (potable) use of ground water in the bedrock aquifer underlying the Property, applied in accordance with ORC 3746.06(B).

12. Based on the implementation and maintenance of the remedies identified in this paragraph, the Property complies with applicable standards. Failure to implement one or more of the remedial activities may constitute noncompliance with applicable standards. The remedies requiring implementation include:
 - a. The activity and use limitations set forth in the Environmental Covenant attached hereto, which, once recorded, will (1) limit the Property to commercial or industrial land uses, (2) prohibit the use of ground water except for investigation, monitoring, or remediation of the ground water, or in conjunction with construction or excavation activities or maintenance of subsurface utilities, and (3) prohibit the construction of any building

designed with an enclosed space for routine human occupancy in the "Building Restriction Area" of the Property.

- b. The risk mitigation measures implemented under the RMP attached hereto, which will mitigate exposure to COCs in soil and ground water for construction and excavation activities.
13. Pursuant to ORC 3746.12(A), the Director of Ohio EPA is authorized to issue a covenant not to sue for the Property through these Findings and Orders. Based on the NFA Letter and subject to all conditions set forth in these Findings and Orders, the remedial activities for the Property are protective of public health and safety and the environment.

ORDERS

Covenant

1. Based on the NFA Letter, and subject to all conditions set forth in these Findings and Orders, Ohio EPA hereby covenants not to sue and releases the city of Lancaster and its agents, employees, officers, directors, and successors and assigns of the Property, from all civil liability to the State of Ohio (the "State") to perform additional investigational and remedial activities. This covenant not to sue and release of liability (the "Covenant") applies to the Property that has undergone a Phase I or Phase II property assessment in compliance with ORC Chapter 3746 and OAC Chapter 3745-300 or has been the subject of remedial activities conducted under ORC Chapter 3746 and OAC Chapter 3745-300 to address a release of hazardous substances or petroleum, and the assessment or the remedial activities demonstrate or result in compliance with applicable standards.

Conditions and Limitations

Effectiveness of the Covenant— Recording of the Environmental Covenant

2. The Covenant provided in Order No. 1 herein shall become effective upon the date the Environmental Covenant is recorded in accordance with this Order. The Environmental Covenant shall be filed as a document separate from the filing required by Order No. 3 herein. Within thirty (30) days after the issuance of these Findings and Orders, the city of Lancaster shall:
 - a. File with the Fairfield County Recorder's Office for recording, in the same manner as a deed to the Property pursuant to ORC 3746.14 and 5301.88, the Environmental Covenant as executed and attached hereto as Exhibit 4. The document for recording may be an executed original or a copy of the same authenticated by Ohio EPA.

- b. Submit to Ohio EPA a copy of the recorded Environmental Covenant that shows the filing date stamp of the Fairfield County Recorder's Office or other reliable information that verifies the recording of the document in accordance with this Order. The submission shall include a cover letter that identifies "*Recorded - Environmental Covenant for the former Anchor Hocking Plant #2 NFA Letter No. 09NFA339.*" The submission shall be delivered either (1) electronically to the DERR Records Management Officer at Ohio EPA's Central Office, at records@epa.state.oh.us or (2) by U.S. mail or by other reliable means to both Ohio EPA's Central Office, 50 West Town Street, P.O. Box 1049, Columbus, OH 43216-1049, Attention: DERR Records Management Officer and Ohio EPA's Central District Office, 50 West Town Street, Suite 700, P.O. Box 1049 Columbus, OH 43216-1049, Attention: DERR Site Coordinator for the former Anchor Hocking Plant #2 property.

Requirement to Record These Findings and Orders / Covenant Not to Sue

3. Within thirty (30) days after the issuance of these Findings and Orders, the city of Lancaster shall:
 - a. File with the Fairfield County Recorder's Office, for recording in the same manner as a deed to the Property pursuant to ORC 3746.14, a copy of these Findings and Orders, including Exhibits 1 (Legal Description), 2 (Property Location Map), 3 (Executive Summary), and 5 (Risk Mitigation Plan).
 - b. Submit to Ohio EPA a copy of the Findings and Orders that shows the filing date stamp of the Fairfield County Recorder's Office or other reliable information that verifies the recording of the Findings and Orders in accordance with this Order. The submission shall include a cover letter that identifies "*Recorded Covenant Not to Sue for NFA Letter No. 09NFA339.*" The submission shall be delivered either (1) electronically to the DERR Records Management Officer at Ohio EPA's Central Office, at records@epa.state.oh.us or (2) by U.S. mail or by other reliable means to both Ohio EPA's Central Office, 50 West Town Street, P.O. Box 1049, Columbus, OH 43216-1049, Attention: DERR Records Management Officer and Ohio EPA's Central District Office, 50 West Town Street, Suite 700, P.O. Box 1049 Columbus, OH 43216-1049, Attention: DERR Site Coordinator for the former Anchor Hocking Plant #2 property.

Requirement to Submit Annually a Risk Mitigation Plan Notification

4. Pursuant to ORC 3746.12(A) and OAC 3745-300-15(G), the Covenant provided in Order No. 1 of these Findings and Orders is conditioned on Ohio EPA's receipt

of a notification regarding the RMP, as attached hereto and referenced in the Findings herein. This condition in no way supersedes any separate notification requirement included in the RMP (i.e., notice to contractors).

- a. The notification shall be submitted annually, by July 1 of each year after the effective date of these Findings and Orders.
- b. Each notification shall be submitted under affidavit by the person(s) who has knowledge of RMP implementation for the applicable notification period. The notification shall address:
 - i. Whether implementation of the RMP occurred during the notification period.
 - ii. The events that required the implementation of the RMP, the exposures to contaminated environmental media that may have occurred, and the risk mitigation measures that were undertaken in accordance with the RMP.
- c. The submission shall include a cover letter that identifies "*Risk Mitigation Plan Annual Report for NFA Letter No.09NFA339.*" The submission shall be delivered either (1) electronically to the DERR Records Management Officer at Ohio EPA's Central Office, at records@epa.state.oh.us or (2) by U.S. mail or by other reliable means to both Ohio EPA's Central Office, 50 West Town Street, P.O. Box 1049, Columbus, OH 43216-1049, Attention: DERR Records Management Officer and Ohio EPA's Central District Office, 50 West Town Street, Suite 700, P.O. Box 1049 Columbus, OH 43216-1049, Attention: DERR Site Coordinator for the former Anchor Hocking Plant #2 property.

Limits of Covenant

5. Pursuant to ORC 3746.12(B)(1), the Covenant shall remain in effect for as long as the Property continues to comply with the applicable standards upon which the Covenant is based, as referenced in these Findings and Orders. Upon a finding pursuant to ORC 3746.12(B)(2) that the Property or portion thereof no longer complies with applicable standards upon which issuance of the Covenant was based and receipt of the Director's notice of that fact and the requirements of ORC 3746.12(B)(3), the person(s) responsible for maintaining compliance with those standards shall receive an "opportunity to cure" the noncompliance. ORC 3746.12(B)(4) provides for revocation of the Covenant upon a Director's finding that the noncompliance has not been cured.
6. Pursuant to ORC 3746.05, any use of the Property that does not comply with the institutional controls identified herein (i.e., the activity and use limitations

- contained in the Environmental Covenant), voids the Covenant on and after the date of the commencement of the non-complying use.
7. The Covenant shall not apply to releases of hazardous substances or petroleum that occur after the issuance of the NFA Letter.
 8. The Covenant shall not apply:
 - a. To claims for natural resource damages the State may have pursuant to Sections 107 or 113 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 ("CERCLA"), 42 U.S.C. 9607 and 9613, as amended.
 - b. To claims the State may have pursuant to Section 107 of CERCLA, 42 U.S.C. 9607, as amended, for costs other than those for damages to natural resources, provided that the State incurs those other costs as a result of an action by the United States Environmental Protection Agency.
 - c. As otherwise specifically provided in ORC Chapter 3746, including but not limited to obligations arising under other applicable laws and hazardous waste generator closure obligations for the accumulation areas at the Property under the Resource Conservation and Recovery Act, 42 U.S.C. 6901, et seq., as amended, or ORC Chapter 3734, or the regulations adopted thereunder.
 9. Nothing in the Covenant limits the authority of the Director to act under ORC 3734.13 and 3734.20 to 3734.23, or to request that a civil action be brought pursuant to the ORC or common law of the State to recover the costs incurred by Ohio EPA for investigating or remediating a release or threatened release of hazardous substances or petroleum at or from the Property, when the Director determines that the release or threatened release poses an imminent and substantial threat to public health or safety or the environment.
 10. Nothing in the Covenant shall be construed to limit or waive the Director's authority to revoke the Covenant in response to any of the circumstances for revocation of a covenant, as provided in ORC Chapter 3746 and OAC Chapter 3745-300.

Ohio EPA Access to Property

11. Pursuant to ORC 3746.21 or 3746.171 and the Environmental Covenant, and at reasonable times, upon proper identification, and stating the necessity and purpose as directed by applicable law, authorized representatives of the Director shall be granted access to the Property for the inspection or investigation purposes authorized under applicable law including but not limited to determining

whether the Property is being used in compliance with the activity and use limitations contained in the Environmental Covenant.

Transfer

12. Pursuant to ORC 3746.14 and OAC 3745-300-13(L), the NFA Letter and the Covenant Not to Sue/Findings and Orders may be transferred to any person by assignment or in conjunction with the acquisition of title to the Property.

IT IS SO ORDERED:



Chris Korleski, Director
Ohio Environmental Protection Agency

MAR 22 2010

Date

Exhibit 1
Legal Description

TOBIN-McFARLAND SURVEYING, INC.

Professional Land Surveyors



111 West Wheeling Street
Lancaster, Ohio 43130
Phone (740) 687-1710
Fax (740) 687-0877

Description of 16.689 Acres

Situated in the State of Ohio, Fairfield County, Township 14, Range 18, Sections 5 and 6, City of Lancaster.
Being part of the 18.182 Acres described in a deed to The City of Lancaster as recorded in Official Record 1414, Page 3702 and being more fully described as follows:

Beginning at a 3/4 inch iron pipe found at the southeast corner of section 6 and the southwest corner of section 5;
thence with the south line of section 6, South 88 degrees 55'32" West a distance of 578.35 feet to a point in Lawrence Street;

thence North 33 degrees 45'03" East, passing a 5/8 inch rebar previously set at 38.78 feet, a distance of 532.86 feet to a 5/8 inch rebar previously set;

thence North 57 degrees 40'54" East a distance of 41.41 feet to a 5/8 inch rebar previously set;

thence North 07 degrees 15'38" East a distance of 44.80 feet to a 5/8 inch rebar previously set;

thence North 11 degrees 11'11" West a distance of 42.04 feet to a point on the south line of the Penn Central Railroad;

thence with the line of the Penn Central Railroad the following three (3) courses:

- (1) North 78 degrees 48'49" East a distance of 362.26 feet to a 5/8 inch rebar previously set;
- (2) North 79 degrees 51'30" East a distance of 700.30 feet to a 5/8 inch rebar previously set;
- (3) North 78 degrees 48'49" East a distance of 15.90 feet to a 5/8 inch rebar set;

thence South 11 degrees 27'06" East a distance of 72.62 feet to a point;

thence North 78 degrees 32'54" East a distance of 5.00 feet to a point;

thence South 11 degrees 27'06" East a distance of 212.79 feet to a point;

thence North 78 degrees 24'13" East a distance of 4.22 feet to a point;

thence South 15 degrees 03'22" East a distance of 6.12 feet to a point;

thence South 79 degrees 22'13" West a distance of 10.43 feet to a point;

thence South 10 degrees 34'38" East a distance of 9.63 feet to a point;

thence South 78 degrees 25'50" West a distance of 105.66 feet to a point;

thence South 16 degrees 26'32" East a distance of 14.86 feet to a point;

thence South 78 degrees 03'54" West a distance of 70.90 feet to a point;

thence South 10 degrees 39'12" East a distance of 121.00 feet to a point;

thence South 07 degrees 15'09" West a distance of 158.95 feet to a point;

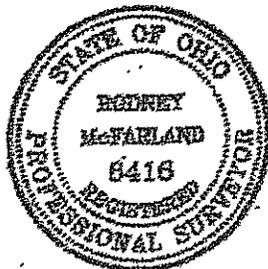
thence South 00 degrees 07'33" East a distance of 113.27 feet to a 5/8 inch rebar set on the south line of section 5;

thence South 89 degrees 52'27" West a distance of 703.32 feet to the point of beginning, containing 16.689 Acres.

Bearings are based on a previous survey filed in survey book 28, page 9457 and are used to denote angles only. Rebars set are 5/8 inch by 36 inches and have a yellow plastic identification cap stamped "Tobin-McFarland". For additional information see plat of survey made in conjunction with and considered an integral part of this description.

This description is based on a survey made in December of 2005 by Tobin-McFarland Surveying, Inc., and was prepared by Rodney McFarland, Registered Professional Surveyor No. 6416.

VAP Boundary/City of Lancaster

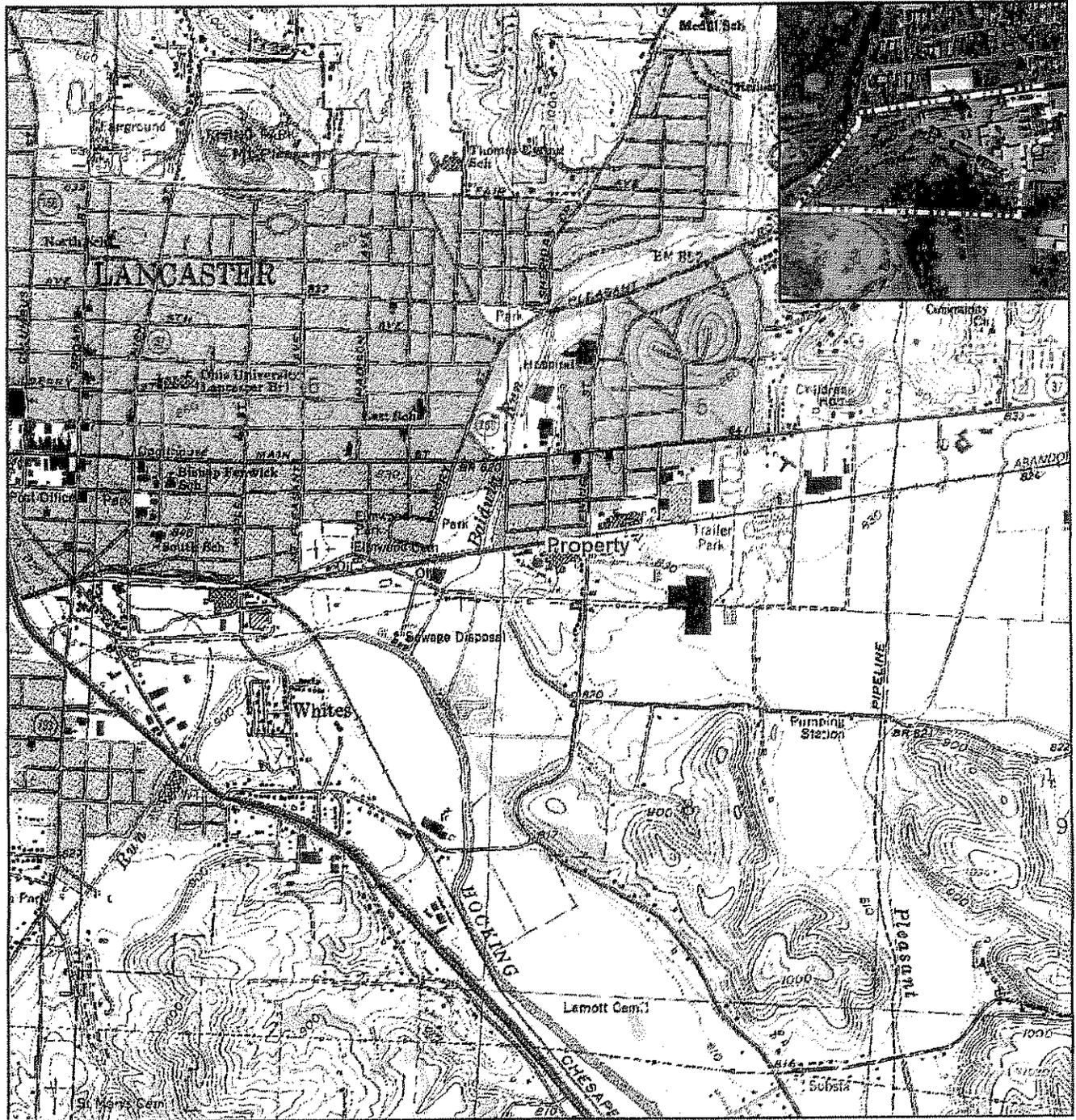


Rodney McFarland

Rodney McFarland, P.S.

Feb. 20, 2009

Exhibit 2
Property Location Map

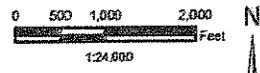


Quadrangle Location

Legend
 ● Property Location

Source: The topographic map was obtained from the Teraserver website, <http://teraserver-usa.net>. Quadrangle name: Lancaster, OH revised in 1983, published in 1985, and photo revised 1982.

The aerial photo in the inset was acquired through the OGRIP/OIT ArcIMS website, <http://gis1.ohio.gov>. Aerial photography dated 2008.



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 Suite #200
 Dublin, Ohio 43016
 ©2008, Hull & Associates, Inc.
 Phone: (614) 793-8777
 Fax: (614) 793-9070
www.hullinc.com

Phase II Property Assessment Update
 Former Anchor Hocking Plant No. 2

Property Location Map

911 Lawrence Street
 Lancaster, Fairfield County, Ohio

Date:
December 2009

Project Number: CIL012 G3.RPT
 Geodatabase: CIL009.mdb
 File Name:
 CIL012_04_Fig01_PropLocMap.mxd

Figure
1

Produced using ArcGIS 9.3

Exhibit 3
Executive Summary

**SECTION B
EXECUTIVE SUMMARY
NO FURTHER ACTION LETTER
REVISION 1.0**

**FOR THE:
FORMER ANCHOR HOCKING PLANT NO. 2
911 LAWRENCE STREET
LANCASTER, OHIO**

**PREPARED FOR VOLUNTEER:
CITY OF LANCASTER, OHIO
LANCASTER, OHIO 43130**

**PREPARED BY:
STEVEN M. GROSS
CERTIFIED PROFESSIONAL #192
(614) 793-8777**

REVISED DECEMBER 2009 (FEBRUARY 2009)



engineers | geologists | scientists | planners

Hull

& associates, inc.

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1.0 INTRODUCTION

This document has been prepared to meet the requirements of the Ohio EPA Voluntary Action Program (VAP) for submitting a summary of the No Further Action (NFA) Letter to the County Recorder's Office, as cited in the Ohio Administrative Code (OAC) 3745-300-13(J). The NFA letter was submitted to the Ohio Environmental Protection Agency (Ohio EPA), Division of Emergency and Remedial Response (DERR) Voluntary Action Program (VAP) by Mr. Steven M. Gross, Hull & Associates, Inc., Certified Professional 192, as authorized by the Volunteer, the City of Lancaster. A copy of the full NFA Letter with attachments is available at the offices of the City of Lancaster, through contacting Mr. Timothy Morrow at 121 East Chestnut Street, City of Lancaster, Ohio 43130 or at the Ohio EPA Central Office located at 50 West Town Street, Suite 700, Columbus, Ohio, in accordance with the filing requirements of OAC 3745-300-13(J).

This NFA Letter involves the 16.689-acre Property known as the former Anchor Hocking Plant #2 located at 911 Lawrence Street (formerly 403 South Ewing Street), Lancaster, Ohio (Property). The address was renamed during remediation activities because the main entrance into the Property was moved to Lawrence Street in order to improve access into and out of the Property.

The Property consists of 16.689 acres of Parcel 053-50084-00, which is approximately 18.82 acres in size in total. The Property was used for the manufacturing of glass since about 1910 until Anchor Hocking Glass Company discontinued manufacturing operations on the Property in 1985. K. Michael Deem purchased the Property in 1992. Mr. Deem indicated that the State of Ohio operated a composting facility in the western portion of the Property between 1992 and 1995. With the exception of the composting operations, the Property remained virtually vacant after operations ceased in 1985. The City of Lancaster purchased a portion of the parcel from Mr. Deem in December 2005 in order to obtain complete access for the demolition and remediation activities under a Clean Ohio Revitalization Fund (CORF) grant.

A legal description of the Property is provided as Attachment 1 to this NFA Form. The Property location within the City of Lancaster is shown on Figure 1. The current Property layout with the coordinates of the Property corners and other Property features are shown on Figure 2. A Phase I Property Assessment, a Phase II Property Assessment including the original Phase II Property Assessment and subsequent Phase II Addendum, Phase II Update, and

demolition/remediation activities were conducted at the Property from December 2002 to December 2008. A Remedial Activities Document Report, Phase I Property Assessment Update, Phase II Property Assessment Addendum, Property-Specific Risk Assessment (PSRA), and a Risk Mitigation Plan (RMP) were completed in February 2009. A Phase II Update was completed in December 2009 to provide a summary of where a description of the activities can be found in the NFA Letter documentation to meet the criteria of OAC 3745-300-07(I). The NFA Letter was issued on February 26, 2009 by Mr. Steven M. Gross, Certified Professional (Number CP192). A copy Mr. Gross's affidavit is included in Section J of the NFA Form. The Certified Professional, Steven M. Gross, is submitting this NFA Letter on behalf of the City of Lancaster (Client and Volunteer) pursuant of a Covenant not to Sue (CNS).

Soil removal, backfilling, and regrading activities as well as the use of institutional controls and implementation of an RMP were required to meet applicable standards for commercial and industrial land use. The purpose of this Executive Summary document is to provide a summary of the information gathered or produced during the voluntary action and used to support the NFA Letter, as required by OAC 3745-300-13(H). It is also the format for providing a summary of the NFA Letter to be recorded in the office of the Fairfield County Recorder, as required by OAC 3745-300-13(J). The appropriate NFA checklists have been completed in support of this NFA Letter and are included in this volume following the introduction and summary of the voluntary action.

The NFA letter consists of the following volumes and documents:

- Volume I NFA Executive Summary and Filing Document with NFA Forms.
- Volume II May 2003 Phase I Property Assessment, June 2003 Phase II Property Assessment.
- Volume III February 2009 Remedial Activities Documentation Report, February 2009 Property-Specific Risk Assessment, and February 2009 Risk Mitigation Plan.
- Volume IV February 2009 Phase II Property Assessment Addendum and February 2009 Phase I Property Assessment Update.
- Addendum No. 1 NFA Letter - 09NFA339, Response to Ohio EPA's Comments and Notice of Deficiencies on the Voluntary Action Program No Further Action Letter for Former Anchor Hocking Plant No.2 Property; December 30, 2009.

2.0 SUMMARY OF NO FURTHER ACTION LETTER

The Certified Professional, Steven M. Gross, of Hull & Associates, Inc. (Hull), prepared an NFA Letter for the Property based upon the results of the Phase I and Phase II Property Assessments, remedial activities completed on the Property, and the PSRA. The current and future land use for the Property is commercial/industrial. The following documents were reviewed by the Certified Professional to support the NFA Letter:

- Phase I Environmental Property Assessment, prepared by Hull & Associates, Inc., dated May 2003;
- Phase II Environmental Property Assessment, prepared by Hull & Associates, Inc., dated June 2003;
- Proposed Remedial Action Plan, prepared by Hull & Associates, Inc., dated June 2003;
- Request for Urban Setting Designation, prepared by Hull & Associates, Inc., dated June 2003;
- Phase I Environmental Property Assessment Update, prepared by Hull & Associates, Inc., dated February 2009;
- A Phase II Environmental Property Assessment Addendum, prepared by Hull & Associates, Inc., dated February 2009;
- Property-Specific Risk Assessment Update, prepared by Hull & Associates, Inc., dated February 2009;
- Remedial Activities Documentation Report, prepared by Hull & Associates, Inc., dated February 2009;
- Risk Mitigation Plan, prepared by Hull & Associates, Inc., dated February 2009.;
- Phase II Property Assessment Update, prepared by Hull & Associates, Inc., date December 2009; and
- Addendum No. 1 - NFA Letter - 09NFA339, Response to Ohio EPA's Comments and Notice of Deficiencies on the Voluntary Action Program No Further Action Letter for Former Anchor Hocking Plant No.2 Property; December 2009.

The intended land use for the Property includes commercial and/or industrial land use as defined in OAC 3745-300-08(B)(2)(c)(i) and (ii). A summary of the Phase I, Phase I Update,

Phase II Property Assessments, PSRA, Remedial Activities Documentation Report, and Risk Mitigation Plan are provided below. Complete copies of these reports are contained in the NFA Letter.

2.1 Phase I Property Assessment

The purpose of the Phase I Property Assessment under OAC 3745-300-06 is to determine (1) if identified areas exist at a property¹, (2) whether a property is eligible for participation in Ohio's Voluntary Action Program (VAP); and (3) the necessity for a Phase II Property Assessment.²

The Property was first developed around 1910 as a glass manufacturing company. Raw materials used in the glass manufacturing process included arsenic, borax, boric acid, calcinated alumina, cullet (recycled broken glass), feldspar, lime, monosodium calciate, nitrate of soda, silica sand, soda ash, and wedron sand. Glass manufacturing operations continued on the Property until approximately 1985. Anchor Hocking Glass Company discontinued manufacturing operations on the Property in 1985. The Property remained vacant until K. Michael Deem purchased the Property in 1992. Mr. Deem indicated that the State of Ohio operated a composting facility in the vicinity immediately west of the Plant Building Y-95 between 1992 and 1995.

The City of Lancaster acquired the Property in December 2005 with plans of demolition and redevelopment of the Property.

The Phase I Property Assessment activities were conducted from September 2002 to October 2002, and a Phase I Property Assessment Report was prepared for the Property by Hull and dated May 2003. Additionally, a Phase I Update was prepared by Hull and dated February 2009. The Phase I Assessments were based on information gained from a review of public documents, files, photographs, and maps; correspondence with regulatory agencies; a review of an environmental regulatory database search report; interviews; and a reconnaissance of the Property. Site reconnaissance was performed by Mr. Mohr and Mr. McCullough of Hull & Associates, Inc. on October 1 and 2, 2002 for the May 2003 Phase I. An additional site walk-

¹ OAC 3745-300-001 (A)(22) defines an identified area as any locations at a property at which hazardous substances or petroleum are known or suspected to be present.

² OAC 3745-300-07 describes the procedures for conducting a Phase II Property Assessment under the VAP.

over was performed by the Certified Professional (Mr. Steven Gross) on December 23, 2008 for the February 2009 Phase I Update. The CP has reviewed the Phase I Property Assessment and Update dated February 2009 and determined that the requirements of OAC 3745-300-06(J) have been met.

Based on interviews conducted during the May 2003 Phase I, it was identified that drums of non-hazardous powders had been buried and later removed from a trench area west of the existing aboveground storage tanks. Also, it was indicated that silica and arsenic were placed in the western half of the Property. Furnace bricks were also placed in the western half and southern portions of the Property.

Based on the information reviewed and documented in the Phase I and the Property inspection, it was determined that:

- The Property was eligible for Ohio's VAP as codified in OAC 3745-300-02, with the exception of possible petroleum (gasoline and/or kerosene) USTs that may have existed at the Property. However, these potential USTs were never located or determined to be present at the Property, thus were not registration and closure under the State Fire Marshall Bureau Underground Storage Tank Regulations (BUSTR) was not required.

Any closure or polychlorinated biphenyls (PCBs) cleanup activities associated with the transformers or former transformers identified at the Property would also be eligible for Ohio's VAP as codified in OAC 3745-300-02. However, activities were subject to cleanup level or other provisions of the Toxic Substance Control Act (TSCA) regulations contained in 40 C.F.R Part 761.

- Identified Areas (IAs) at the Property identified as a result of the Phase I Property Assessment were determined to require further Phase II assessment activities pursuant to Voluntary Action Program (VAP) requirements and standards.

2.2 Phase II Property Assessment

The Phase II Property Assessment activities were conducted from December 2002 to June 2003, and a Phase II Property Assessment Report was completed for the Property by Hull in June 2003. Additionally, an addendum to the Phase II was completed in February 2009. A Phase II Update report was prepared in December 2009 for the purpose of providing a discussion summarizing where each of the previous Phase II activities can be found in the NFA Letter documentation. This Phase II Update presents a chronological summary of Phase II Property Assessment and remedial activities. The Phase II Property Assessment and Remedial

Activities Report collectively was conducted consistent with the requirements of OAC 3745-300-07 and included field investigations, a pathway completeness determination, and determination of and comparison to applicable standards. The Phase II Property Assessment included the collection of soil, groundwater, surface water, and PCB wipe samples for laboratory analysis as well as geophysical surveys to evaluate the environmental condition of the Property and surrounding area. Data collected during this assessment were collected and analyzed in accordance with requirements of the VAP. A total of five Identified Areas (IA-1 through IA-5) were investigated under the Phase II activities.

Soil, groundwater, and PCB wipe data were collected during multiple sampling events. Soil sampling events included; January 2003, March 2003, and April 2003. Groundwater sampling events occurred in January 2003, April 2003, and January 2009. The PCB wipe collection events were conducted in March 2003 and April 2003.

The complete Phase II Property Assessment (consisting of the June 2003 Phase II, the June 2005 Phase II Addendum and the December 2009 Phase II Update) is contained in the NFA Letter for the Property.

2.2.1 Soil Investigation and Findings

Phase II Assessment activities associated with the soil investigation were conducted in January 2003, March 2003, and April 2003. Soil samples were collected from the Identified Areas as established during the Phase I Property Assessment.

A total of 19 direct push borings were installed in January 2003. Seventeen (17) of the borings were completed in Identified Areas 1, 2, 3, and 4. Two of the 19 borings were completed off-Property.

All soil borings were continuously sampled utilizing a 2-inch outside diameter (O.D.) by 48-inch long macrocore sampler with single-use acetate sample liners. Soil samples were collected from each distinct stratigraphic unit or a minimum of one sample per two feet interval. Visual observations and PID screening results were used to select samples from each soil boring location for laboratory analysis. Soil samples were analyzed for the priority pollutant metals plus barium in accordance with U.S. EPA method 7000/6000 series; volatile organic compounds (VOCs) in accordance with U.S. EPA method 8260; semi volatile organic hydrocarbons

(SVOCs) in accordance with U.S. EPA method 8270; PCBs in accordance with U.S. EPA method 8082; total petroleum hydrocarbons-diesel and gasoline range (TPH-C₁₀-C₃₄) in accordance with U.S. EPA method 8015M; herbicides with U.S. EPA method 8081; and pesticides with U.S. EPA method 8151. The selected analyses for each soil boring are shown on Table 1 of the June 2003 Phase II Property Assessment. Selected soil samples were submitted for analysis at the TestAmerica Laboratories in Dayton, Ohio (VAP Certification #CL0018). PCB analysis of these samples was conducted by TestAmerica Laboratories in their Nashville, Tennessee (VAP Certification #CL0033).

In addition to soil borings, a total of 12 test pits were dug with a track-hoe in Identified Area 1, based on the results of the geophysical survey. Test pits TP-1 through TP-5, TP-7, and TP-9 through TP-11 were analyzed for the priority pollutant metals plus barium in accordance with U.S. EPA method 7000/6000 series; VOCs in accordance with U.S. EPA method 8260; SVOCs in accordance with U.S. EPA method 8270; and PCBs in accordance with U.S. EPA method 8082. In test pit TP-7, herbicides by U.S. EPA method 8081 and pesticides with U.S. EPA method 8151 were also included. The selected analyses for each test pit are shown on Table 1 of the June 2003 Phase II Property Assessment.

Additionally, a stockpile sample of the cullet stockpile (SP-2) was collect in January 2002. The sample was analyzed for the priority pollutant metals plus barium in accordance with U.S. EPA method 7000/6000 series and PCBs in accordance with U.S. EPA method 8082. The selected analyses for stockpile sample are shown on Table 1 of the June 2003 Phase II Property Assessment.

Results from the soil sample analyses at the Property indicate that arsenic was the only COC detected in concentrations exceeding the commercial/industrial generic direct-contact soil standards within the zero-to-two-foot point of compliance. All other COCs were either non-detect or below generic direct-contact soil standards. Arsenic exceedences within the zero-to-two-foot point of compliance occurred in Identified Area 3 at MW-9 and SB-14 (822 mg/kg and 121 mg/kg, respectively). Within the zero-to-two-foot point of compliance in Identified Area 1, arsenic was detected at TP-4HA equal to the generic direct-contact soil standards (80 mg/kg). In addition, concentrations of arsenic above the applicable standard were detected at greater depths within Identified Area 2 at SB-17 (4-6 ft), SB-9 (2-4 ft), and MW-12 (10-12 ft) at concentrations of 140 mg/kg, 93.5 mg/kg, and 179 mg/kg, respectively.

Lead was the only other COC that was detected in the soils above the generic direct-contact soil standard for commercial/industrial land use (1,800 mg/kg). Exceedences were detected in Identified Area 1 at TP-3 (11-12 ft) and TP-4 (5-5.5 ft) at concentrations of 3,140 mg/kg and 11,500 mg/kg, respectively. These samples were collected in intervals below the point of compliance (0 to 2 feet) for commercial/industrial land use.

For purposes of remedial design and soil management, soil samples were collected for Toxicity Characteristic Leaching Procedures (TCLP) metals analysis from Identified Area 1 at locations TP-3 (1-3 ft) and TP-4 (1-3 ft). TCLP metals include arsenic, barium, cadmium, chromium, lead, mercury, selenium, and silver. Results from the TCLP metals analysis indicated that lead at TP-3 (1-3 ft) was at 6.0 mg/L, exceeding the TCLP leachate limit of 5.0 mg/L. Total metals were also analyzed for these samples. Total lead at TP-3 (1-3 ft) was detected at 1,490 mg/kg and 988 mg/kg at TP-4 (1-3 ft).

The Phase II concluded that the Property did not meet the direct-contact soil cumulative risk goal standard (1×10^{-5}) for commercial/industrial land use and construction/excavation activities. Therefore, it was determined that remedial activities would be required to meet applicable standards for the desired end use of the Property, in accordance with OAC 3745-300-15. The Phase II included potential options for remediation of COCs on the Property, including excavation of impacted soils and/or the implementation of engineering controls to limit potential exposures to COCs identified in areas. It was determined that soil in those areas which contribute to the exceedance of the cumulative risk goal could be excavated and removed, capped with a minimum of 2 feet of clean soil, or covered with a concrete or asphalt cap system. An RMP was identified as a possible requirement for addressing exposures of construction/excavation worker to soil containing COCs at concentrations above applicable standards during excavation activities.

2.2.2 Groundwater Investigation and Findings

Phase II Assessment activities associated with the groundwater investigation were conducted in January 2003 and April 2003. Activities included; the classification of groundwater, installation and sampling of monitoring wells MW-9 through MW-12, and conducting slug tests at selected wells on the Property.

Four monitoring wells (SB-8/MW-9, SB-12/MW-10, SB-4/MW-11, and SB-6/MW-12) were installed January 21 through January 23, 2003. These wells, along with the existing monitoring wells (MWA (MW-1), MW-2 through MW-4, MW-6 and MW-7), monitor the upper portion of the unconsolidated aquifer encountered at the Property. Monitoring wells were installed in areas throughout the Property in order to provide representative data from the Identified Areas. These wells were used to obtain data in accordance with the criteria specified in OAC 3745-300-07 for determining groundwater yield and classification of the unconsolidated saturated zone underlying the Property. In general, the monitoring wells are constructed of 2-inch diameter PVC and are set at depths ranging from 9.6 to 22.9 feet. Matrix Environmental, Inc. utilized rotary drilling methods to perform the monitoring well installation activities.

Groundwater samples were collected from monitoring wells MW-1 (MWA), MW-2 through MW-4, MW-6, MW-7, and MW-9 through MW-12 in accordance with the requirements of OAC 3745-300-07 for verifying COCs in groundwater and determining the applicability of the groundwater protection provision. One equipment blank and one duplicate sample were collected during each sampling event. Groundwater samples were analyzed for the VOCs in accordance with U.S. EPA method 8260; priority pollutant metals plus barium in accordance with U.S. EPA method 6000/7000 series; SVOCs in accordance with U.S. EPA method 8270; herbicides in accordance with U.S. EPA method 8081; pesticides in accordance with U.S. EPA method 8151; and/or PCBs in accordance with U.S. EPA method 8082.

Groundwater samples collected from 7 of the 11 monitoring wells sampled exceed one or more generic unrestricted potable use standards (GUPUS) for groundwater. The following COCs were detected at concentrations greater than their respective GUPUS at one or more wells: 1,1,-dichloroethene, tetrachloroethene, trichloroethene, vinyl chloride, benzene, arsenic, and lead.

In-situ slug testing was performed at monitoring wells MW-2, MW-4, MW-7, and MW-11 on May 3, 2003. These wells were selected based on recovery data recorded during groundwater development, purging, and sampling activities as well as placement within the aquifer. The purpose of the tests was to calculate the horizontal hydraulic conductivity in the upper portion of the aquifer and to determine if the saturated zone meets the definition of groundwater pursuant to OAC 3745-300-10. Falling head test methodology was selected for analyzing the slug test data. Each of the slug test data sets was analyzed using the Bouwer-Rice analytical method.

Because of the presence of former groundwater production wells located on Property, capable of yields greater than 100 gallon per minute (gpm), the aquifer beneath the Property is considered a Critical Resource. The criteria for Critical Resource groundwater is as follows:

1. The groundwater is being used by a public water system and is in a Drinking Water Source Protection (DWSP) area for a public water system using groundwater;
2. The groundwater is part of an unconsolidated saturated zone that is capable of yielding water at a time-weighted average rate greater than 100 gpm over a 24-hour period; or
3. The groundwater is in a consolidated saturated zone that is part of a sole source aquifer.

The uppermost aquifer is not located in a DWSP nor is it a consolidated saturated zone that is part of a sole source aquifer. However, the uppermost aquifer, based on well records, is capable at yielding greater than 100 gpm over a 24-hour period.

Additional Phase II Assessment activities associated with the groundwater investigation were conducted in January 2009. Activities included the installation and sampling of monitoring wells MW-13 and MW-14.

Monitoring wells MW-13 and MW-14 were installed January 6 through January 9, 2009. Monitoring well MW-13 was completed approximately 26 feet below ground surface (bgs) and monitors the upper portion of the unconsolidated aquifer encountered at the Property. Monitoring well MW-14 was completed in the sandstone bedrock approximately 129 feet bgs and monitors the bedrock aquifer encountered at the Property. These monitoring wells were installed in areas downgradient from previous monitoring wells located on the Property that exhibited COC concentrations above applicable standards. In general, the monitoring wells MW-13 and MW-14 are constructed of 2-inch diameter PVC and are set at depths of approximately 26 feet bgs and 129 feet bgs, respectively. Northcoast Drilling Company utilized rotary drilling methods to perform the monitoring well installation activities.

Groundwater samples were collected from monitoring wells MW-13 and MW-14 in accordance with the requirements of OAC 3745-300-07 for verifying COCs in groundwater and determining the applicability of the groundwater protection provision. Groundwater samples were analyzed

for the VOCs in accordance with U.S. EPA method 8260; polynuclear aromatic hydrocarbons (PAHs) in accordance with U.S. EPA method 8270; and VAP metals plus copper in accordance with U.S. EPA method 6000/7000 series.

Groundwater analytical results obtained from wells MW-13 and MW-14 were compared to the GUPUS. Laboratory analysis of groundwater samples collected during this investigation indicates that vinyl chloride was the only COC detected in monitoring well MW-13 at a concentration greater than its GUPUS of 2.0 micrograms per liter (ug/L). Vinyl chloride was reported at 4.0 ug/L. All other potential COCs were either non-detect or well below the established GUPUS.

A review of the analytical results of samples collected from MW-14, CIL009:MW-14:G011209 and a duplicate CIL009:MW-14:G011209A did not indicate any detections of VOCs or PAHs. Arsenic, barium and cobalt were detected in both samples. However, the concentrations of each constituent are well below the established GUPUS for each parameter.

2.2.3 Surface Water Investigation and Findings

At the time of the 2003 Phase II Assessment activities, the proposed VAP Property extended further west to the center of Baldwin Run. Therefore, the 2003 Phase II Property Assessment included an assessment of surface water. Phase II Assessment activities associated with the surface water investigation were conducted in April 2003. Two surface water samples were collected from two surface water outfalls identified approximately 20 to 25 feet off-Property from the northwest corner of the Property. Both outfalls flow to a ditch which flows into Baldwin Run approximately 10 feet downstream of the outfalls.

Outfall OF-1 was formerly connected to an oil/water separator. The use of the oil/water separator at the Property was discontinued around 1986 and removed during recent demolition activities. The discharge from this outfall was irregular, with flow apparently occurring during and immediately after major precipitation events. The discharge could have been more accurately described as a seep. One sample was collected from along the face at the point of discharge. The sample was not field-filtered and was subsequently analyzed for VOCs in accordance with U.S. EPA Method 8260, SVOCs in accordance with U.S. EPA Method 8270, and priority pollutant metals plus barium in accordance with the U.S. EPA Method 6000/7000 series. The total recoverable (TR) concentration of arsenic in the discharge water at OF-1 was

detected at 321 ug/L. This value exceeded the outside mixing zone average (OMZA) criterion of 150 ug/L. No other compounds analyzed were detected above OMZA criterion.

Outfall OF-2 is a 12-inch diameter corrugated galvanized steel pipe. This pipe was directly connected to a make shift catch basin constructed of steel and wood, located approximately 75 feet inside the northwestern Property boundary, and appeared to discharge surface drainage from this portion of the Property. The make shift catch basin and pipe were removed during recent demolition activities conducted in 2008. The discharge from this outfall was irregular, with flow apparently occurring during and immediately after major precipitation events. One sample was collected from the end of the pipe at the point of discharge. The sample was not field-filtered and was subsequently analyzed for VOCs, SVOCs, and priority pollutant metals plus barium following the same methods for sample OF-1. The TR concentration for all compounds analyzed were either non-detect or below OMZA. The TR concentration for arsenic in the discharge water at OF-2 (98.3 ug/L) was below all aquatic life criteria.

Subsequent to the completion of the June 2003 Phase II investigation, the footprint of the VAP Property has changed and does not incorporate or directly border Baldwin Run. Nonetheless, both outfalls were mitigated during the construction of the sediment/surface water control basin located in the northwest corner of the Property. The basin was constructed as part of the remediation activities to manage the surface water and sediment runoff during remediation and post remediation activities.

2.2.4 Wipe Samples Investigation and Findings

Phase II Assessment activities associated with the concrete wipe investigation was conducted in March and April 2003. A total of 18 wipe samples were collected from Identified Area 5 and 4 samples were collected from off-Property locations. All samples were analyzed for PCBs. PCBs were detected at locations within Identified Area 5. Provisions under 40 CFR Ch. I 761.1 (3) indicate that PCB concentrations are less than 50 parts per million (ppm), and non-PCB if the result of the wipe sample is $\leq 10 \text{ ug}/100\text{cm}^2$, ≥ 50 to < 500 ppm (PCB-contaminated) if the result of the wipe sample is $\geq 10 \text{ ug}/100\text{cm}^2$ to $< 100 \text{ ug}/100\text{cm}^2$, and PCBs are greater than 500 ppm (PCB-containing) if the result of the wipe sample is $\geq 100 \text{ ug}/100\text{cm}^2$. In Building Y-84, the PCB wipe/sample was at 281,000 $\mu\text{g}/\text{wipe}$ and 150.1 $\mu\text{g}/\text{wipe}$ (281,000 $\text{ug}/100\text{cm}^2$ and 151.1 $\text{ug}/100\text{cm}^2$) indicating that the transformer pad had PCBs present at levels > 500 ppm. In

Building 56B, the PCB wipe sample was reported at 14.96 ug/wipe indicating PCBs were present on the transformer pad at levels ≥ 50 to < 500 ppm.

During demolition activities, concrete samples were collected to confirm the presence of PCBs in concrete. Laboratory analysis of the concrete samples indicated that all concrete samples were at levels ≤ 50 ppm with the exception of building Y84. Building Y84 was regulated under Toxic Substances Control Act (TSCA).

2.2.5 Exposure Pathway Assessment

An Exposure Pathway Assessment was conducted to identify existing and potential exposure pathways and evaluate each pathway to determine if it was complete pursuant to OAC 3745-300-07(D)(2). Potentially exposed populations were also identified in accordance with OAC 3745-300-07(D)(1)(g). This pathway evaluation assumes the application of an institutional control restricting Property use to commercial and industrial. Additionally, a Risk Mitigation Plan was created for to describe required procedures in the event that intrusive activities are conducted at a depth greater than 4.0 ft bgs or 2.5 ft bgs in the south-central portion of the Property. Based on the available Property-specific information, the following complete exposure pathways determined for the Property include:

- direct contact (incidental ingestion and dermal contact) with surface soils by on-Property commercial/industrial workers;
- direct contact (incidental ingestion and dermal contact) with surface and subsurface soils by on-Property construction/excavation workers;
- inhalation of particulate and volatile emissions from surface soils and subsurface to outdoor air by on-Property commercial/industrial workers and construction/excavation workers;
- inhalation of volatile emissions from subsurface soils to indoor air by on-Property commercial/industrial workers;
- inhalation of volatile emissions from groundwater to indoor air by on-Property commercial/industrial workers; and
- direct contact from groundwater by on-Property commercial/industrial workers and construction/excavation worker.

Complete exposure pathways with insignificant exposure include the following:

- inhalation of particulate emissions from surface soils to outdoor air by off-Property resident and commercial/industrial workers.

This pathway evaluation assumes current use and future commercial/industrial end use of the Property.

2.3 Determination of Applicable Standards

The applicable soil standards at the Property include generic direct contact soil standards found in OAC 3745-300-08 and Property-specific standards based on the soil-to-indoor air pathway. The future use of the Property will be commercial/industrial land use. As specified in OAC 3745-300-08, the commercial/industrial point of compliance for soils at the Property is a depth of 2 feet below ground surface. Additionally, it is reasonably anticipated that redevelopment activities at the Property will require construction activities. Therefore, the construction/excavation worker standards were also used for comparison. In addition to the direct-contact soil standards, property-specific risk-based standards were also developed for soil based on volatile emissions from soil to indoor air.

The applicable groundwater standards for the area of the Property containing groundwater as defined in OAC 3745-300-01 include GUPUS and Property-specific standards based on the groundwater-to-indoor air pathway. Based on results of the groundwater sampling events completed at the Property, the GUPUS for several COCs were exceeded. Therefore groundwater at the Property was classified as a Critical Resource groundwater zone with an Urban Setting Designation exceeding the unrestricted potable use standards, as specified in OAC 3745-300-10.

2.4 Determination of Compliance with Applicable Standards

Remedial activities were implemented to achieve compliance with the generic direct contact soil standards for commercial/industrial use and the construction/excavation activities. Following the remediation activities, the Property-Specific Risk Assessment demonstrated that all soils within the applicable point of compliance for each receptor are below generic direct contact soil standards for commercial/industrial use. In addition, the PSRA demonstrated that hazard and risk goals are met for construction/excavation scenarios with the implementation of an RMP for intrusive activities conducted below 4.0 ft bgs or 2.5 feet bgs in the south-central portion of the Property. In addition, a prohibition against construction of habitable structures in the south-central portion of the Property (Identified Area IA-1C and portions of IA-2)] is required to

address potential unacceptable hazard and risk posed to the Commercial/Industrial Worker receptor population by the cumulative effect of the direct contact, soil-to-indoor air and groundwater-to-indoor air pathways.

2.4.1 Data Analysis

For the evaluation of the direct contact exposures to soil by the On-Property Commercial/Industrial Worker and the On-Property Construction/Excavation Worker receptor populations, the exposure point concentration (EPC) is the maximum detected post-remedial concentration within the depth interval corresponding to the applicable point of compliance for each receptor, in accordance with Paragraph (D)(6)(c) of Rule 3745-300-07 of the OAC. In accordance with Paragraph (G)(1)(a)(i)(b) of Rule 3745-300-07 of the OAC, the data set for the evaluation of direct contact exposures for the On-Property Commercial/Industrial Worker consists of soil analytical data from the 0-2 foot depth interval, which is consistent with the required point of compliance for the evaluation of the direct contact exposures at properties with an institutional control that limits a property's land use. The data set for the evaluation of direct contact exposures of the On-Property Construction/Excavation Worker receptor population consists of soil analytical data from the depth interval corresponding to the applicable point of compliance within each exposure unit, as appropriate. The soil data set for Exposure Unit 1 and Exposure Unit 3 contains analytical results within the 0-4 foot depth interval, and the data set for Exposure Unit 2 contains analytical results within the 0-2 foot depth interval. Each of the data sets is consistent with the required point of compliance for the evaluation of the direct contact exposure pathway for construction and excavation activities, in accordance with Paragraph (G)(1)(a)(i)(c) of Rule 3745-300-07 of the OAC.

For the evaluation of exposures of volatile emissions from groundwater in the upper saturated zone to indoor air, the EPC is the maximum detected concentration, irrespective of location. For the evaluation of soil to indoor air, the exposure point concentration is the maximum detected concentration in soil, irrespective of depth, excluding the concentrations of VOCs detected in the IA-1C area. The assumption that the maximum concentration of each VOC in the soil and groundwater detected at the Property underlies the entire footprint of reasonably-anticipated future buildings that may be constructed on the Property represents a conservative assumption. The maximum soil and groundwater concentration for each COC of sufficient volatility and toxicity to necessitate an evaluation of potential migration to indoor air was used as the

exposure point concentration, in accordance with Paragraphs (D)(6)(c)(ii) and (D)(6)(d) of Rule 3746-300-07 of the OAC, respectively.

In the Phase II Property Assessment, Hull assumed that the groundwater in the bedrock aquifer met the unrestricted potable use standards. In accordance with OAC 3745-300-07 (4) (ii), a weight of evidence demonstration described below was used to show compliance with the groundwater protection provision for the bedrock aquifer. Groundwater samples were collected from a deep production well (PW-1) screened in the unconsolidated deposits above the bedrock. Well PW-1 is located in the vicinity of monitoring wells where several COCs exceeding the unrestricted potable use standards were detected in the shallow groundwater. These COCs included 1,1-dichloroethene (1,1-DCE), tetrachloroethene (PCE), trichloroethylene (TCE), vinyl chloride, arsenic, and lead. A comparison of groundwater data from the shallow portion of the unconsolidated aquifer with data collected from deeper in the aquifer indicated that the contamination was limited to the upper portion of the uppermost aquifer. Concentrations of VOCs and SVOCs were not detected in samples collected from well PW-1. Arsenic and barium were the only two metals detected in the groundwater at PW-1 at level below than unrestricted potable use standards. Arsenic and barium was detected at levels of 8.5 ug/L and 119 ug/L, respectively. Because turbidity exceeded 5 ntus in groundwater collected from PW-1, a filtered sample was collected using an inline 5.0-micron filter. This sample was non-detect for all metals except barium at 41.6 ug/L, which was below the unrestricted potable use standard. Based on this comparison, the Property COCs were limited to the upper portion of the uppermost aquifer (unconsolidated aquifer) and had not migrated downward towards the underlying lower aquifer unit (bedrock aquifer) even under the historic influence of pumping from PW-1.

Additionally, based on the Wellhead Protection Plan developed for the Miller Park Wellfield and the MODFLOW model developed by URS (1993), there is supporting evidence that groundwater originating from the buried valley aquifer is not likely to migrate to the underlying bedrock. It was determined that bedrock recharge to the unconsolidated deposits plays a major role in achieving model calibration. Groundwater model simulations assuming no recharge from the bedrock required unrealistically high values of river leakage, area recharge, and hydraulic conductivity of the unconsolidated deposits. Since of these parameters are known within a relative amount of certainty, it was determined that a significant influence from the bedrock was a major component (i.e. 14.1%) of the total water budget for the model. Monthly water level readings

from domestic wells completed in bedrock, during a period between March and October 1992, indicated that "water levels within bedrock are higher than those in the upper glacial deposits indicating that groundwater generally moves from bedrock into the upper glacial aquifer (URS, 1993)".

In order to provide additional Property-specific data that supports URS' conclusion "that the bedrock aquifer generally continuous to the upper glacial unconsolidated aquifer", monitoring wells MW-13 and MW-14 were installed. MW-13 was completed in the shallow unconsolidated aquifer and MW-14 was completed in the underlying bedrock. Static water levels exhibited in monitoring well MW-13 and screened at 26 feet bgs are approximately 3.5 feet lower in elevation than the water levels recorded in bedrock monitoring well MW-14. On January 12, 2009 water levels were measured at 805.36 feet mean sea level (msl) and 808.82 feet msl in MW-13 and MW-14, respectively. Static water levels recorded on February 18, 2009 were similar measured at 805.84 feet msl and 809.38 feet msl in MW-13 and MW-14, respectively

2.4.2 Compliance with Generic Numerical Standards

The future use of the Property is assumed to be for commercial and industrial land use. As specified in OAC 3745-300-08(B)(2)(d), the point of compliance for soils at the Property for unrestricted commercial/industrial land use is 2 feet below grade. Hull has also evaluated the construction and excavation activities category. The construction/excavation worker point of compliance is from the surface to a minimum depth equal to the maximum depth reasonably anticipated at the Property. The maximum anticipated depth selected was 4 feet below grade.

In addition to the direct-contact soil standards, property-specific risk-based standards were also developed for soil standards based on volatile emissions from soil to indoor air.

Potential current and future exposure pathways were evaluated in accordance with the requirements for Critical Resource groundwater zone with an Urban Setting Designation exceeding the unrestricted potable use standards, as specified in OAC 3745-300-10. Potential exposure pathways include volatile emissions from groundwater to indoor air and discharge of groundwater to surface water. An institutional control is in place as a City-wide ordinance and condition of the USD that renders the on-Property potable use pathway incomplete. As discussed in the following section, the PSRA included an assessment of additional groundwater standards based on volatile emissions from groundwater to indoor air. In addition, the PSRA

included an evaluation of direct contact with groundwater by the Construction/Excavation Worker receptor population.

2.4.3 Property-Specific Risk Assessment Findings

The PSRA provides an evaluation of hazard and risk posed to future on-Property receptor population by post-remedial residual concentrations of COCs in soil and groundwater at the Property. The exposure pathways evaluated in the PSRA include direct contact exposures to soils by all on-Property receptor populations at the Property, consistent with the reasonably anticipated future use of the Property, including commercial/industrial land use and construction/excavation activities. In addition, the PSRA evaluated inhalation exposures by the Commercial/Industrial Worker receptor population to volatile emissions from soil and groundwater to indoor air. Finally, the PSRA includes a qualitative evaluation of direct contact exposures of the Construction/Excavation Worker receptor population to groundwater potentially encountered during intrusive activities.

The applicable standards at the Property include generic direct contact soil standards for commercial/industrial land use and construction/excavation activities as found in Rule 3745-300-08 of the OAC. The applicable standards also include Property-specific standards derived in accordance with the procedures contained in Rule 37435-300-09 of the OAC, including Property-specific soil and groundwater to indoor air standards. The following conclusions were determined as a result of the evaluations conducted in this PSRA:

- There are currently no unacceptable non-cancer hazards or excess lifetime cancer risks posed to the On-Property Commercial/Industrial Worker receptor population as a result of direct contact with soil. The estimated cumulative upper-bound HI of 0.4 is below the target HI of one, and the estimated cumulative upper-bound ELCR of 1×10^{-5} meets the acceptable ELCR of 1×10^{-5} .
- The volatile emissions of COCs from soil to indoor air do not pose unacceptable non-cancer hazards or excess lifetime cancer risks to future On-Property Commercial/Industrial Worker receptor population following redevelopment of the Property for commercial land use. The estimated cumulative upper-bound HI of 0.03 is substantially below the target HI of one. The estimated cumulative upper-bound ELCR of 3×10^{-7} is substantially below the target ELCR of 1×10^{-5} .
- The volatile emissions of COCs from groundwater to indoor air do not pose unacceptable non-cancer hazards or excess lifetime cancer risks to future On-Property Commercial/Industrial Worker receptor population following redevelopment of the Property for commercial land use. The estimated cumulative upper-bound HI of 0.01 is substantially below the target HI of one. The estimated

cumulative upper-bound ELCR of 1×10^{-6} is substantially below the target ELCR of 1×10^{-5} .

- There are no unacceptable non-cancer hazards or excess lifetime cancer risks posed to the Commercial/Industrial Worker receptor population when hazards and risks posed by multiple exposure pathways are evaluated collectively. The estimated cumulative and aggregate upper-bound multi-pathway HI of 0.4 is below the target HI of one, and the estimated cumulative and aggregate upper-bound multi-pathway ELCR of 1×10^{-5} meets the acceptable ELCR of 1×10^{-5} .
- There are no unacceptable non-cancer hazards or excess lifetime cancer risks posed to the On-Property Construction/Excavation Worker receptor population as a result of direct contact with soil in Exposure Unit 1. The estimated cumulative upper-bound HI of 0.9 is below the target HI of one, and the estimated cumulative upper-bound ELCR of 6×10^{-6} is below the acceptable ELCR of 1×10^{-5} .
- There are no unacceptable non-cancer hazards or excess lifetime cancer risks posed to the On-Property Construction/Excavation Worker receptor population as a result of direct contact with soil in Exposure Unit 2. The estimated cumulative upper-bound HI of 0.8 is below the target HI of one, and the estimated cumulative upper-bound ELCR of 3×10^{-6} is below the acceptable ELCR of 1×10^{-5} .
- There are no unacceptable non-cancer hazards or excess lifetime cancer risks posed to the On-Property Construction/Excavation Worker receptor population as a result of direct contact with soil in Exposure Unit 3. The estimated cumulative upper-bound HI of 1 meets the target HI of one, and the estimated cumulative upper-bound ELCR of 7×10^{-6} is below the acceptable ELCR of 1×10^{-5} .
- There are currently no unacceptable hazards or risks posed by lead in soil to the On-Property Commercial/Industrial Worker or the On-Property Construction/Excavation Worker receptor populations. The maximum concentration of lead detected in the soil in the 0.0 to 2.0 ft bgs depth interval (1,490 mg/kg) does not exceed the generic direct contact soil standard for commercial/industrial land use (1,800 mg/kg). The maximum concentration of lead detected within the appropriate point of compliance for construction/excavation activities in each of the three Exposure Units (1,260 mg/kg, 1,490 mg/kg and 1,400 mg/kg in EU-1, EU-2 and EU-3, respectively) does not exceed the lead direct contact standard for construction/excavation activities (1,600 mg/kg).
- There are no unacceptable hazards or risks posed by TPH to the On-Property Commercial/Industrial Worker or On-Property Construction/Excavation Worker receptor populations at the Property. The maximum TPH-GRO concentration detected in soil (56 mg/kg) does not exceed the lightweight residual soil saturation concentration of 1,000 mg/kg. The concentration of C₁₀ – C₂₀ and C₂₁ – C₃₄ ranges of TPH-DRO detected in soil at the Property (1,690 mg/kg and 1,730 mg/kg) do not exceed the middle weight (2,000 mg/kg) or heavyweight (5,000 mg/kg) residual soil saturation concentrations.

Compliance with applicable standards, as described above, requires the completion of the following remedial activities:

- the establishment of an institutional control that restricts the use of the Property to commercial or industrial land use;
- the establishment of an institutional control that restricts the use of groundwater underlying the Property for any purpose, except for the purposes of investigation and remediation;
- the establishment of an institutional control in the vicinity of Identified Area IA-1C and a small portion of IA-2, which establishes a prohibition against construction of habitable structures;
- the establishment of a RMP to mitigate unacceptable hazard and/or risk posed by exposures to subsurface soil. The RMP will be extended to cover intrusive activities Property-wide within the applicable point of compliance for each Exposure Unit; and
- the establishment of a RMP to mitigate potentially unacceptable hazard and/or risk posed to the Construction/Excavation Worker by direct contact exposures to groundwater Property-wide.

2.5 Remedial Activities

Remedial activities at the former Anchor Hocking Plant No. 2 Property were completed from October 2006 to December 2008. All investigations at the Property and remedial activities have been completed in accordance with the approved Remedial Action Work Plan, except where additional excavations were completed as described in Section 2.0 of the Remedial Activities Documentation Report and the soil stabilization for lead and cadmium at select locations prior to removal for off-Property disposal. Remedial activities included addressing potential contaminant migration pathways, removal of soils exceeding applicable standards, and verifying that the point of compliance for soils at the Property was attained. The remedial activities conducted at the Property included the following:

- completed the TSCA self-implementing closure at Identified Area 5;
- conducted asbestos abatement in Buildings 59 and Y84 for preparation of demolition;
- demolished all buildings, floor slabs, and removed all abandoned utilities (utilizing building materials and contaminated (non-hazardous) soils for backfill);

- excavated arsenic, cadmium, and lead contaminated soils. Soil within several portions of the Identified Areas were stabilized in place within the respective Identified Areas, characterized and properly disposed of off-Property as non-hazardous waste at an approved disposal facility;
- placed clean soils and/or reused clean hard fill for backfill to meet the commercial/industrial land use point of compliance for direct contact exposures;
- removed a culvert discharging to Baldwin Run and modified the surface to control ponding and run-off. Additionally, removed former damaged culvert from the former oil/water separator and ditch area to eliminate discharge to Baldwin Run;
- implemented institutional controls to restrict the Property to commercial/industrial land use;
- implemented institutional controls to prohibit the use of groundwater on the Property;
- completed a post-remediation PSRA; and
- developed an RMP to describe required procedures for intrusive activities conducted below a depth of 4.0 ft bgs (2.5 ft bgs in the south-central area of the Property, IA-C and adjacent areas of IA-2). The RMP also describes procedures that must be implemented in the event that groundwater is encountered during intrusive activities.

Additional soil samples were collected prior to and during the remedial activities to delineate excavation areas and as confirmatory sampling. Analytical results from these samples were used in the final data set for comparison to direct contact soil standards, and property-specific risk-based standards for the volatile emissions from soil to indoor air exposure pathway.

In addition to the excavation of impacted soils, an Environmental Covenant has been prepared that includes a land use restriction to commercial/industrial and prohibits the extraction and use of groundwater except for the purposes of environmental investigation or remediation and management during construction activities. The land use restriction is identified in the Environmental Covenant included as Section A, Attachment 2 of the NFA Letter.

2.6 Planned Remedial Activities

There are no additional planned remedial activities for the Property.

2.7 Planned Operation and Maintenance Activities

There are no proposed Operation and Maintenance Activities for the Property.

3.0 CONCLUSIONS

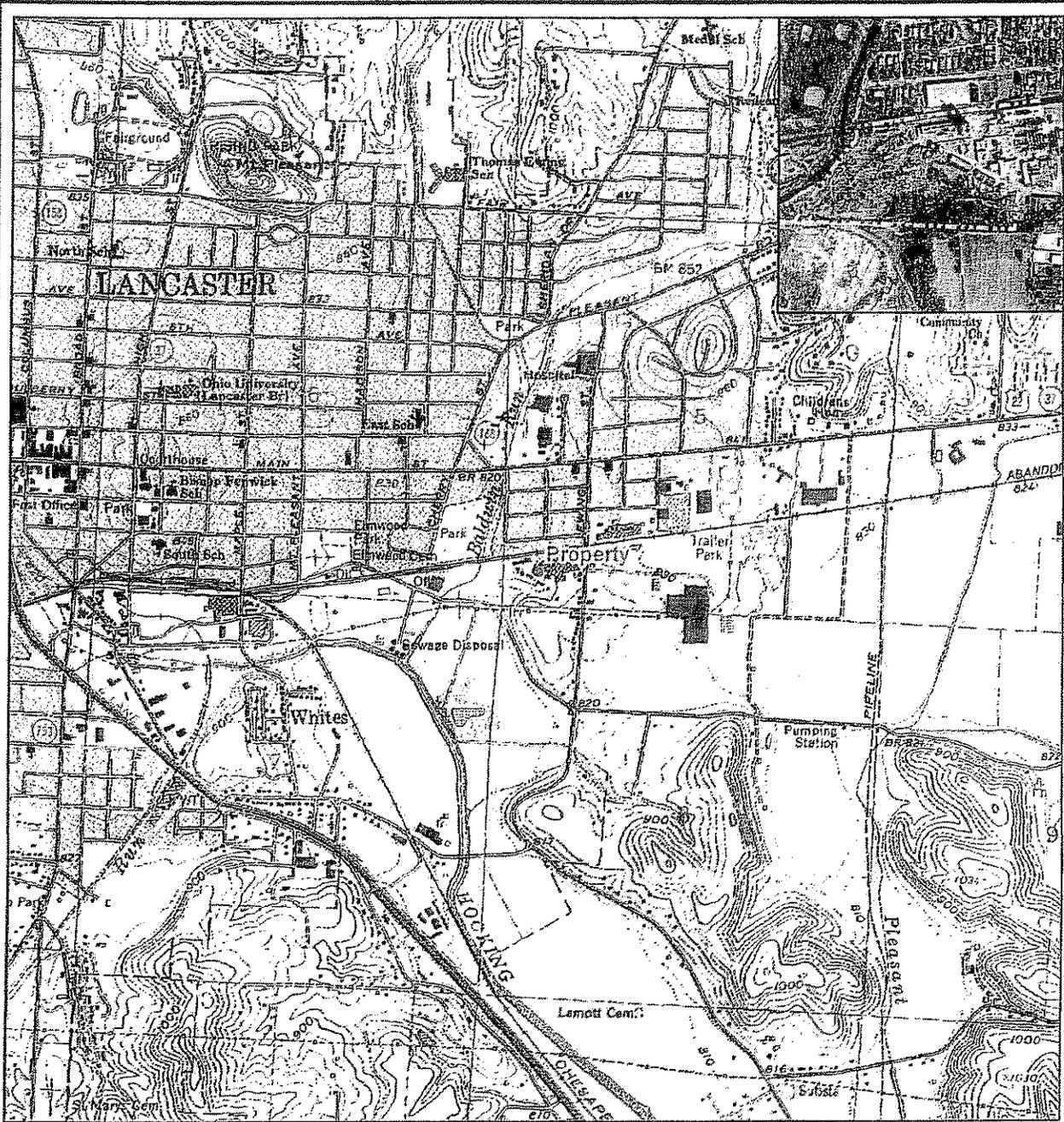
Environmental investigations conducted as part of a voluntary action at the Former Anchor Hocking Plant No. 2, located at 911 Lawrence Street (formerly 403 South Ewing Street), Lancaster, Ohio, have shown that previous industrial operations had adversely impacted environmental media (i.e., soils and groundwater) at the Property. The voluntary action conducted included the completion of remedial activities in which impacted soils were excavated and removed from depth intervals corresponding to the applicable points of compliance at the Property. Impacted soils do remain in some areas underlying the Property. However, due to the depth of these soils and the placement of clean soils above them, receptor populations are not expected to come into contact with these soils.

An Environmental Covenant has been established that restricts Property use to commercial and/or industrial activities and prohibits the extraction of groundwater underlying the Property for all purposes with the exception of an environmental investigation and during construction activities. In addition, the Environmental Covenant places a restriction of the construction of first-floor habitable structures within the south-central portion of the Property.

An RMP has been developed and is to be implemented whenever workers at the Property are reasonably expected to be exposed to subsurface soils at a depth of greater than 4.0 ft bgs [or 2.5 ft bgs within the south-central portion of the Property that contain COCs exceeding applicable VAP standards or in the event that groundwater is encountered during intrusive activities Property-wide. Examples of such scenarios include, but are not limited to, excavation, construction, or utility installation. No additional active remediation is required.

The implementation of these remedies and actions ensure the protection of public health and safety and the environment at the Property. The remaining chemical concentrations do not represent unacceptable risk for the planned and restricted land uses. The combination of soil excavation, land use restriction through the Environmental Covenant, and the use of an RMP results in a Property that meets applicable standards for commercial and/or industrial use and construction/excavation activities. This conclusion has a reasonably high degree of confidence given that the Phase II data upon which it is based were obtained in a manner biased toward the highest likelihood of maximum concentrations of contamination. No further action is required.

FIGURES

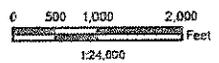


Quadrangle Location

Legend
 ● Property Location

Source: The topographic map was obtained from the Terraserver website, <http://terraserver-usa.net>. Quadrangle name: Lancaster, OH revised in 1983, published in 1985, and photo revised 1992.

The aerial photo in the inset was acquired through the OGRIP/OIT ArcIMS website, <http://gis1.oit.ohio.gov>. Aerial photography dated 2005.



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No Further Action Checklist
 Former Anchor Hocking Plant No. 2

Property Location Map

911 Lawrence Street
 Lancaster, Fairfield County, Ohio

Date:
February 2009

Project Number: CIL012_03.RPT
 Geodatabase: CIL009.mdb
 File Name:
 CIL012_03_Fig01_PropLocMap.mxd

Figure
1

Published using ArcGIS 9.3

EXECUTIVE SUMMARY NO FURTHER ACTION LETTER
FORMER ANCHOR HOOKING
PLANT NO. 2 PROPERTY
 311 LAWRENCE STREET
 CITY OF LANCASTER, FARMERS COUNTY, OHIO

CITY OF LANCASTER, OH
 104 EAST MAIN ST.
 LANCASTER, OH 43150
 "PROPERTY INFORMATION"

NO.	DATE	DESCRIPTION
1	08/11/2011	PRELIMINARY
2	08/11/2011	REVISED
3	08/11/2011	REVISED
4	08/11/2011	REVISED
5	08/11/2011	REVISED
6	08/11/2011	REVISED
7	08/11/2011	REVISED
8	08/11/2011	REVISED
9	08/11/2011	REVISED
10	08/11/2011	REVISED
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48	08/11/2011	REVISED
49	08/11/2011	REVISED
50	08/11/2011	REVISED

FIGURE 2
SITE PLAN
POST REMEDIATION

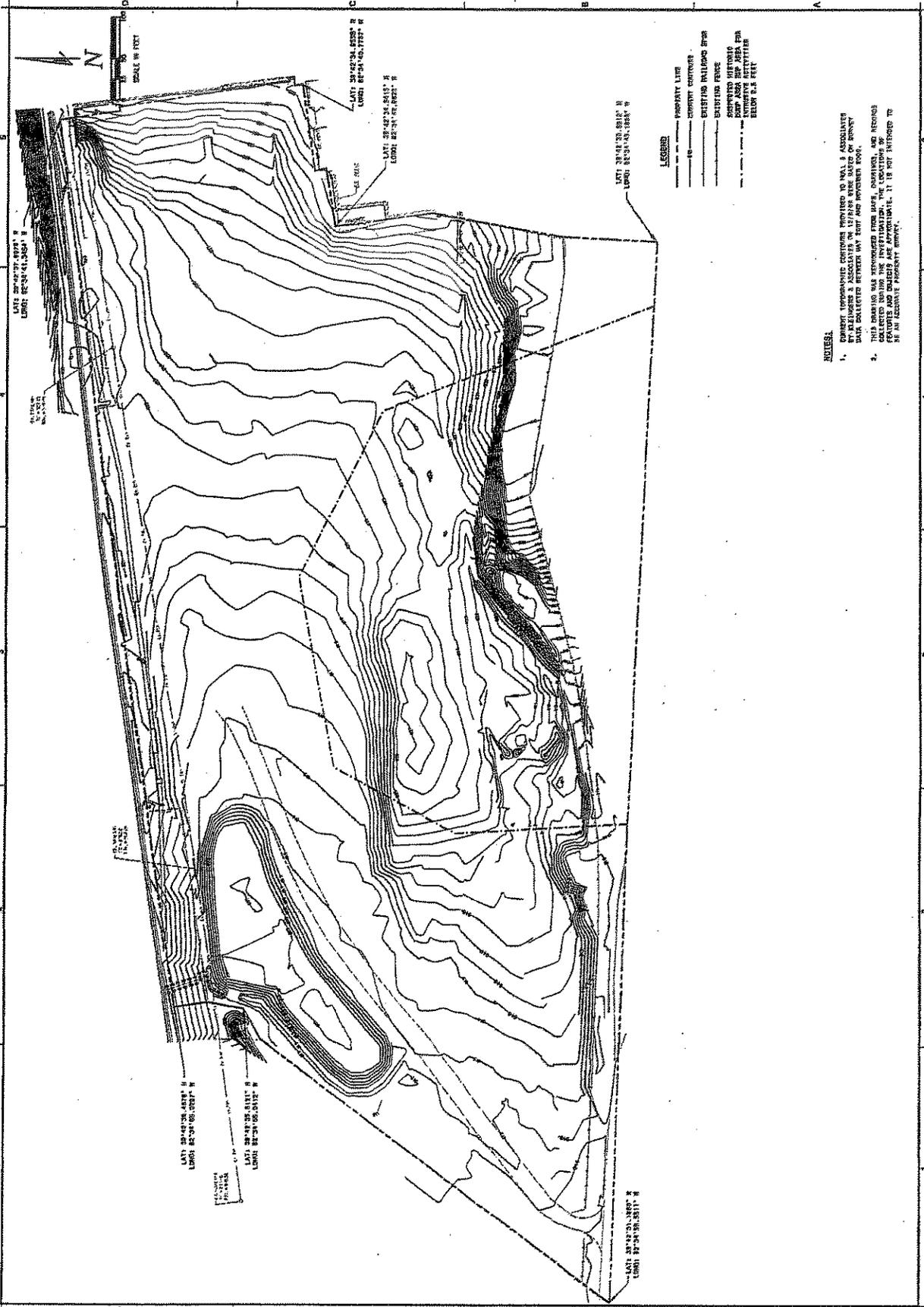


Exhibit 4
Environmental Covenant

RECEIVED
OHIO EPA
2010 FEB - 5 AM 10: 04

LEGAL OFFICE

**ENVIRONMENTAL COVENANT FOR
CITY OF LANCASTER
911 LAWRENCE STREET, LANCASTER, OHIO 43130**

This Environmental Covenant is entered into by the City of Lancaster ("Owner") and the Ohio Environmental Protection Agency ("Ohio EPA") pursuant to Ohio Revised Code ("ORC") §§ 5301.80 to 5301.92 for the purpose of subjecting the Property to the activity and use limitations set forth herein.

Whereas, the Owner of property located at 911 Lawrence Street in the City of Lancaster, Ohio, more particularly described in Paragraph 2 below and Exhibit A attached hereto (the "Property"), has undertaken a voluntary action with respect to the Property under Ohio's Voluntary Action Program ("VAP") pursuant to ORC Chapter 3746 and Ohio Administrative Code ("OAC") Chapter 3745-300.

Whereas, the voluntary action remedy for the Property includes the activity and use limitations set forth in this Environmental Covenant (the "Activity and Use Limitations").

Whereas Certified Professional, Steven M. Gross (CP 192), issued a no further action ("NFA") letter for the Property on February 26, 2009 ("NFA Letter"), and submitted the NFA Letter (09NFA339) to Ohio EPA with a request for a Covenant Not to Sue ("CNS").

Whereas, the Activity and Use Limitations support the issuance of the NFA Letter and a CNS for the Property and protect against exposure to the hazardous substances and petroleum in soil and ground-water on or underlying the Property.

Whereas, the Property is a former industrial facility which has undergone investigation and remediation pursuant to the VAP.

Whereas, an overview of the voluntary action undertaken with respect to the Property is contained in the NFA Letter Executive Summary, which may be viewed as an exhibit to the CNS issued for the Property and recorded with the County of Fairfield Recorder's Office.

Whereas, the CNS, Executive Summary, and complete NFA Letter for the Property also can be reviewed by contacting the Records Management Officer, Division of Emergency and Remedial Response, at Ohio EPA's Central Office, P.O. Box 1049, Columbus, OH 43216-1049, (614) 644-2924, or the Records Management Officer at Ohio EPA's Central District Office, 50 West Town Street, Suite 700, Columbus Ohio, Ohio 43215, (614) 728-3778.

Now therefore, Owner and Ohio EPA agree to the following:

1. Environmental Covenant. This instrument is an Environmental Covenant developed and executed pursuant to ORC §§ 5301.80 to 5301.92.

2. Property. This Environmental Covenant concerns the Property, consisting of approximately 16.69 acres of real property located at 911 Lawrence Street in Lancaster, Ohio, and more particularly described in Exhibit A attached hereto and incorporated by reference herein ("Property").

3. Portion of Property with restrictions relating to non-habitable structures. The approximately 4.69-acre portion of the Property as described in Exhibit B attached hereto and made a part hereof ("Building Restriction Area") is subject to limitations relating to building.

4. Owner. The City of Lancaster, with its offices at 104 East Main Street in Lancaster, Ohio 43130, is the owner of the Property.

5. Holder. Owner, whose address is listed above, is the holder of this Environmental Covenant.

6. Activity and Use Limitations. As part of the voluntary action described in the NFA Letter, Owner hereby imposes and agrees to comply with the following activity and use limitations:

- A. Land Use Limitation. As a portion of the remedy under the VAP to protect against exposure to hazardous substances and/or petroleum on the property described herein, the Property is hereby restricted to only commercial land use and/or industrial land use, as those terms are defined in OAC 3745-300-08(B)(2)(c)(ii) and (B)(2)(c)(iii) (effective October 21, 2002). For informational purposes, the definitions of "commercial land use" and "industrial land use" are set forth below:

OAC 3745-300-08(B)(2)(c)(ii) defines *commercial land use* as "land use with potential exposure of adult workers during a business day and potential exposure of adults and children who are customers, patrons, or visitors to commercial facilities during the business day. Commercial land use has potential exposure of adults to dermal contact with soil, inhalation of vapors and particles from soil and ingestion of soil. Examples of commercial land uses include but are not limited to warehouses; building supply facilities; retail gasoline stations; automobile service stations; automobile dealerships; retail warehouses; repair and service establishments for appliances and other goods; professional offices; banks and credit unions; office buildings; retail businesses selling foods or merchandise; golf courses; hospitals and clinics; religious institutions; hotels; motels; and parking facilities."

OAC 3745-300-08(B)(2)(c)(iii) defines *industrial land use* as "land use with potential exposure of adult workers during a business day and potential exposures of adults and children who are visitors to industrial facilities during the business day. Industrial land use has potential exposure of adults to dermal contact with soil, inhalation of vapors and particles from soil and ingestion of soil.

Examples of industrial land uses include, but are not limited to: lumberyards; power plants; manufacturing facilities such as metalworking shops, plating shops, blast furnaces, coke plants, oil refineries, brick factories, chemical plants and plastics plants; assembly plants; non-public airport areas; limited access highways; railroad switching yards; and marine port facilities."

- B. Limitation Prohibiting Ground Water Extraction and Use. Ground water underlying the Property shall not be extracted or used for any purpose, potable or otherwise, except for investigation, monitoring or remediation of the ground water, or in conjunction with construction or excavation activities or maintenance of subsurface utilities.
- C. Limitation Prohibiting Building. No building designed with an enclosed space for routine human occupancy shall be constructed in the area identified as the "Building Restriction Area" described in Exhibit B. This restriction does not prohibit, inter alia, any open air structures or unoccupied structures used for housing electrical utilities, three sided garage for vehicle and/or equipment storage, covered salt bin, or any open air first floor beneath an occupied building structure (e.g., open-air first floor parking beneath commercial space).

7. Running with the Land. This Environmental Covenant shall be binding upon the Owner and all assigns and successors in interest, including any Transferee, and shall run with the land, pursuant to ORC § 5301.85, subject to amendment or termination as set forth herein. The term "Transferee," as used in this Environmental Covenant, shall mean any future owner of any interest in the Property or any portion thereof, including, but not limited to, owners of an interest in fee simple, mortgagees, easement holders, and/or lessees.

8. Compliance Enforcement. Compliance with this Environmental Covenant may be enforced pursuant to ORC § 5301.91. Failure to timely enforce compliance with this Environmental Covenant or the activity and use limitations contained herein by any party shall not bar subsequent enforcement by such party and shall not be deemed a waiver of the party's right to take action to enforce any non-compliance. Nothing in this Environmental Covenant shall restrict the Director of Ohio EPA from exercising any authority under applicable law. Pursuant to ORC § 3746.05, if the Property or any portion thereof is put to a use that does not comply with this Environmental Covenant, the covenant not to sue issued for the Property by the Director of Ohio EPA under ORC § 3746.12 is void on and after the date of the commencement of the noncomplying use.

9. Rights of Access. Owner hereby grants to Ohio EPA, its agents, contractors, and employees the right of access to the Property for implementation or enforcement of this Environmental Covenant.

10. Notice upon Conveyance. Each instrument hereafter conveying any interest in the Property or any portion of the Property shall contain a notice of the activity and use limitations set forth in this Environmental Covenant, and provide the recorded location of this

Environmental Covenant. The notice shall be substantially in the following form:

THE INTEREST CONVEYED HEREBY IS SUBJECT TO AN ENVIRONMENTAL COVENANT, DATED _____, 2010, RECORDED IN THE DEED OR OFFICIAL RECORDS OF THE FAIRFIELD COUNTY RECORDER ON _____, 2010, IN [DOCUMENT _____, or BOOK _____, PAGE _____]. THE ENVIRONMENTAL COVENANT CONTAINS THE FOLLOWING ACTIVITY AND USE LIMITATIONS: AS PART OF THE VOLUNTARY ACTION DESCRIBED IN THE NFA LETTER, THE PROPERTY IS HEREBY LIMITED TO ONLY COMMERCIAL LAND USE AND/OR INDUSTRIAL LAND USE, AS THOSE TERMS ARE DEFINED IN OAC 3745-300-08(B)(2)(c)(ii) and (B)(2)(c)(iii) (EFFECTIVE OCTOBER 21, 2002), A LIMITATION PROHIBITING GROUND WATER EXTRACTION AND USE, AND, FOR A PORTION OF THE PROPERTY, A LIMITATION PROHIBITING BUILDING.

Owner shall notify Ohio EPA within thirty (30) days after each conveyance of an interest in any portion of the Property. Owner's notice shall include the name, address, and telephone number of the Transferee, a copy of the deed or other documentation evidencing the conveyance, and a survey map that shows the boundaries of the property being transferred.

11. Compliance Reporting. The Owner or any Transferee shall submit to Ohio EPA, upon request, written documentation verifying that the activity and use limitations remain in place and are being complied with. This documentation may be requested in conjunction with VAP's periodic review of compliance with the limitations pursuant to ORC § 3746.171.

12. Representations and Warranties. Owner hereby represents and warrants to the other signatories hereto:

- A. that the Owner is the sole owner of the Property;
- B. that the Owner has the power and authority to enter into this Environmental Covenant, to grant the rights and interests herein provided and to carry out all obligations hereunder; and
- C. that this Environmental Covenant will not materially violate or contravene or constitute a material default under any other agreement, document or instrument to which Owner is a party or by which Owner may be bound or affected.

13. Amendment or Termination. This Environmental Covenant may be amended or terminated by consent of all of the following: the Owner or a Transferee; and the Ohio EPA, pursuant to ORC § 5301.90 and other applicable law. The term, "Amendment," as used in this Environmental Covenant, shall mean any changes to the Environmental Covenant, including the activity and use limitations set forth herein, or the elimination of one or more activity and use limitations when there is at least one limitation remaining. The term, "Termination," as used in this Environmental Covenant, shall mean the elimination of all activity and use limitations set

forth herein and all other obligations under this Environmental Covenant. This Environmental Covenant may be amended or terminated only by a written instrument duly executed by the Director of Ohio EPA and the Owner or Transferee of the Property or portion thereof, as applicable. Within thirty (30) days of signature by all requisite parties on any amendment or termination of this Environmental Covenant, the Owner or Transferee shall file such instrument for recording with the Franklin County Recorder's Office, and shall provide a file- and date-stamped copy of the recorded instrument to Ohio EPA.

14. Severability. If any provision of this Environmental Covenant is found to be unenforceable in any respect, the validity, legality, and enforceability of the remaining provisions shall not in any way be affected or impaired.

15. Governing Law. This Environmental Covenant shall be governed by and interpreted in accordance with the laws of the State of Ohio.

16. Recordation. Within thirty (30) days after the date of the final required Signature upon this Environmental Covenant, Owner shall file this Environmental Covenant for recording, in the same manner as a deed to the Property, with the Fairfield County Recorder's Office.

17. Effective Date. The effective date of this Environmental Covenant shall be the date upon which the fully executed Environmental Covenant has been recorded as a deed record for the Property with the Fairfield County Recorder.

18. Distribution of Environmental Covenant. The Owner shall distribute a file- and date-stamped copy of the recorded Environmental Covenant to: Ohio EPA; each person holding a recorded interest in the Property; and any other person designated by Ohio EPA under ORC § 5301.83.

19. Notice. Unless otherwise notified in writing by or on behalf of the current Owner or Ohio EPA, any document or communication required by this Environmental Covenant shall be submitted to:

For Ohio EPA:

Records Management Officer
Division of Emergency and Remedial Response
Ohio EPA
P.O. Box 1049
Columbus, Ohio 43216-1049

Ohio EPA - Central District Office
Division of Emergency and Remedial Response
P.O. Box 1049
Columbus, Ohio 43216-1049

Attn: Site Coordinator for 09NFA339

For Volunteer/Owner:

The City of Lancaster
104 East Main Street
Lancaster, Ohio 43130

The undersigned representative of the Owner represents and certifies that he is authorized to execute this Environmental Covenant.

IT IS SO AGREED:

THE CITY OF LANCASTER

[Signature]
Signature of Owner's Representative

David S. Smith, Mayor
Printed Name and Title

2-03-10
Date

State of Ohio)
County of Fairfield) ss:

Before me, a notary public, in and for said county and state, personally appeared David S. Smith, a duly authorized representative of the City of Lancaster, who acknowledged to me that (he/she) did execute the foregoing instrument on its behalf.

IN TESTIMONY WHEREOF, I have subscribed my name and affixed my official seal this 3rd day of February, 2010.

[Signature]

Notary Public
Terre L. Vandervoort - lifetime
Attorney AT Law
City of Lancaster, Ohio

OHIO ENVIRONMENTAL PROTECTION AGENCY


Chris Korleski, Director _____
3/18/10
Date

State of Ohio)
) ss:
County of Franklin)

Before me, a notary public, in and for said county and state, personally appeared Chris Korleski, the Director of Ohio EPA, who acknowledged to me that he did execute the foregoing instrument on behalf of Ohio EPA.

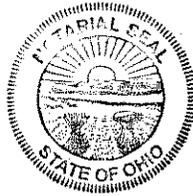
18th IN TESTIMONY WHEREOF, I have subscribed my name and affixed my official seal this
day of March, 2010.



Notary Public

This instrument prepared by:

Terre L. Vandervoort
Law Director & City Prosecutor
City of Lancaster
121 East Chestnut Street
Lancaster, Ohio 43130



SUSAN C. KROEGER
Attorney at Law
Notary Public
State of Ohio
Lifetime Commission

To be recorded with Deed
Records - ORC § 317.08

ENVIRONMENTAL COVENANT

EXHIBIT A



TOBIN-MCFARLAND SURVEYING, INC.

Professional Land Surveyors

111 West Wheeling Street
Lancaster, Ohio 43130
Phone (740) 687-1710
Fax. (740) 687-0877

Description of 16.689 Acres

Situated in the State of Ohio, Fairfield County, Township 14, Range 18, Sections 5 and 6, City of Lancaster.
Being part of the 18.182 Acres described in a deed to The City of Lancaster as recorded in Official Record 1414, Page 3702 and being more fully described as follows:

Beginning at a 3/4 inch iron pipe found at the southeast corner of section 6 and the southwest corner of section 5;
thence with the south line of section 6, South 88 degrees 55'32" West a distance of 578.35 feet to a point in Lawrence Street;

thence North 33 degrees 45'03" East, passing a 5/8 inch rebar previously set at 38.78 feet, a distance of 532.86 feet to a 5/8 inch rebar previously set;

thence North 57 degrees 40'54" East a distance of 41.41 feet to a 5/8 inch rebar previously set;

thence North 07 degrees 15'38" East a distance of 44.80 feet to a 5/8 inch rebar previously set;

thence North 11 degrees 11'11" West a distance of 42.04 feet to a point on the south line of the Penn Central Railroad;

thence with the line of the Penn Central Railroad the following three (3) courses:

(1) North 78 degrees 48'49" East a distance of 362.26 feet to a 5/8 inch rebar previously set;

(2) North 79 degrees 51'30" East a distance of 700.30 feet to a 5/8 inch rebar previously set;

(3) North 78 degrees 48'49" East a distance of 15.90 feet to a 5/8 inch rebar set;

thence South 11 degrees 27'06" East a distance of 72.62 feet to a point;

thence North 78 degrees 32'54" East a distance of 5.00 feet to a point;

thence South 11 degrees 27'06" East a distance of 212.79 feet to a point;

thence North 78 degrees 24'13" East a distance of 4.22 feet to a point;

thence South 15 degrees 03'22" East a distance of 6.12 feet to a point;

thence South 79 degrees 22'13" West a distance of 10.43 feet to a point;

thence South 10 degrees 34'38" East a distance of 9.63 feet to a point;

thence South 78 degrees 25'50" West a distance of 105.66 feet to a point;

thence South 16 degrees 26'32" East a distance of 14.86 feet to a point;

thence South 78 degrees 03'54" West a distance of 70.90 feet to a point;

thence South 10 degrees 39'12" East a distance of 121.00 feet to a point;

thence South 07 degrees 15'09" West a distance of 158.95 feet to a point;

thence South 00 degrees 07'33" East a distance of 113.27 feet to a 5/8 inch rebar set on the south line of section 5;

thence South 89 degrees 52'27" West a distance of 703.32 feet to the point of beginning, containing 16.689 Acres.

Bearings are based on a previous survey filed in survey book 28, page 9457 and are used to denote angles only. Rebars set are 5/8 inch by 36 inches and have a yellow plastic identification cap stamped "Tobin-McFarland". For additional information see plat of survey made in conjunction with and considered an integral part of this description.

This description is based on a survey made in December of 2005 by Tobin-McFarland Surveying, Inc., and was prepared by Rodney McFarland, Registered Professional Surveyor No. 6416.

VAP Boundary/City of Lancaster



Rodney McFarland

Rodney McFarland, P.S.

Feb.20, 2009

To be recorded with Deed
Records - ORC § 317.08

ENVIRONMENTAL COVENANT

EXHIBIT B
(Building Restriction Area)

TOBIN-McFARLAND SURVEYING, INC.



Professional Land Surveyors

111 West Wheeling Street
Lancaster, Ohio 43130
Phone (740) 687-1710
Fax. (740) 687-0877

Description of 4.689 Acres
Risk Mitigation Area
BUILDING RESTRICTION AREA

Situated in the State of Ohio, Fairfield County, Township 14, Range 18, Sections 5 and 6, City of Lancaster.

Being part of the 18.182 acre tract described in a deed to The City of Lancaster as recorded in Official Record 1414, Page 3702 and being more fully described as follows:

Beginning at a ¾ inch iron pipe found at the southeast corner of section 6 and the southwest corner of section 5;

thence North 06 degrees 06'39" West a distance of 208.86 feet to a point;

thence North 25 degrees 11'18" East a distance of 168.29 feet to a point;

thence North 76 degrees 34'44" East a distance of 234.43 feet to a point;

thence South 65 degrees 27'41" East a distance of 224.73 feet to a point;

thence South 24 degrees 14'29" East a distance of 350.59 feet to a point on the south line of Section 5;

thence South 89 degrees 52'27" West a distance of 625.80 feet to the point of beginning, containing 4.689 Acres.

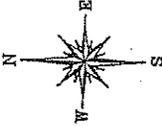
Bearings are based on a previous survey filed in survey book 28, page 9457 and are used to denote angles only. For additional information see plat of survey made in conjunction with and considered an integral part of this description.

This description is based on a survey made in December of 2005 by Tobin-McFarland Surveying, Inc., and was prepared by Rodney McFarland, Registered Professional Surveyor No. 6416.



City of Lancaster/Risk Mitigation

Rodney McFarland
Rodney McFarland, P.S.
Feb.20, 2009



EWING STREET 50'

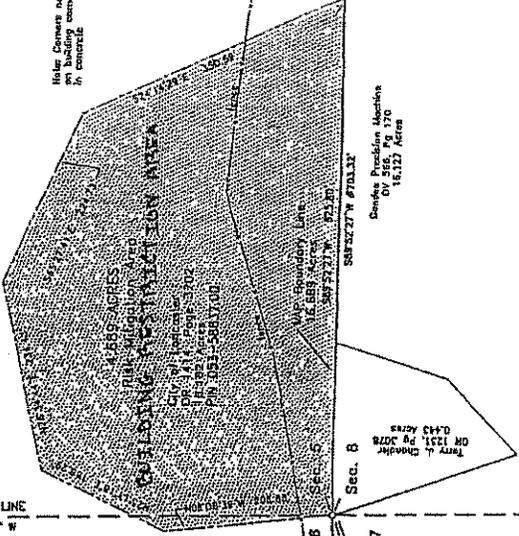
PENN CENTRAL RAILROAD
N 75°13'00" E 700.30'

VAP Boundary Line
16.688 Acres
CITY OF LANCASTER
OR 141, Page 3702
PIN 053-60837.00

VAP Boundary Line
16.688 Acres
CITY OF LANCASTER
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VAP Boundary Line
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PIN 053-60837.00

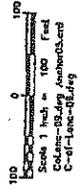
VAP Boundary Line
16.688 Acres
CITY OF LANCASTER
OR 141, Page 3702
PIN 053-60837.00



Point of Beginning
Corner Sec. 6
BEGIN 4.689 ACRES
BEGIN 16.688 ACRES VAP AREA

Point of Beginning
Corner Sec. 6
BEGIN 4.689 ACRES
BEGIN 16.688 ACRES VAP AREA

Point of Beginning
Corner Sec. 6
BEGIN 4.689 ACRES
BEGIN 16.688 ACRES VAP AREA



Date of Drawing: Feb. 23, 2009

STATE OF OHIO
FAIRFIELD COUNTY
TOWNSHIP 14
RANGE 18
CITY OF LANCASTER
SECTIONS 5 & 6



BY: *Rodney McFarland*
Rodney McFarland
Registered Surveyor No. 6416

TOBIN-MCFARLAND SURVEYING INC.
111 West Wheeling Street
Lancaster, OHIO 43130
Ph. 740-697-1110 Fax 740-697-0811

LEGEND
 * 5/8" x 36" rebar set with a "Tobin-McFarland" ID cap.
 * 5/8" x 36" "Tobin-McFarland" rebar previously set.
 * 1/2" x 36" iron pipe found, unless otherwise noted.
 * 1/2" x 36" iron pipe set or previously set, as labeled.
 * Rebar set found.

Permitting information used is shown on this plot.
 Bearings are based on previous survey filed in
 survey book 28, page 9457.

Based on the information shown on the filed parcel boundary maps furnished by the Federal Emergency
 Management Agency the property shown herein is in Zone A.C.C. Community Parcel 30181 0005 B
 30181 0005 B

Exhibit 5
Risk Mitigation Plan

**RISK MITIGATION PLAN
REVISION 1.0**

FOR THE:
FORMER ANCHOR HOCKING PLANT NO. 2 PROPERTY
911 LAWRENCE STREET
(FORMERLY 403 SOUTH EWING STREET)
LANCASTER, OHIO

PREPARED FOR:
THE CITY OF LANCASTER
104 EAST MAIN STREET
LANCASTER, OHIO 43130

PREPARED BY:
HULL & ASSOCIATES, INC.
6397 EMERALD PARKWAY, SUITE 200
DUBLIN, OHIO 43016

REVISED DECEMBER 2009 (FEBRUARY 2009)

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Figure 2	Site Plan, Post Remediation

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Appendix B	Worker Acknowledgement Forms
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Appendix D	Direction to Hospital and Emergency Telephone Numbers

1.0 INTRODUCTION

Hull & Associates, Inc. (Hull) was authorized by the City of Lancaster, Inc. to prepare a Risk Mitigation Plan (RMP for the Anchor Hocking Plant No. 2 Property located at 911 Lawrence Street which was formerly 403 South Ewing Street in Lancaster, Ohio (Property). The location of the Property is shown on Figure 1. Phase I and Phase II Property Assessments at the Property were completed in 2003. Hull submitted the Phase I Property Assessment (Hull document CIL005.300.0010), Phase II Property Assessment (Hull document CIL005.300.0038) and a Remedial Action Plan (RAP, Hull document CIL005.300.0042) with the Clean Ohio Revitalization Fund (CORF) Application in June 2003.

Additionally, a Remedial Activities Summary Report (Hull Document CIL009.300.0145, February 2009), a Property-Specific Risk Assessment (PSRA; Hull Document CIL009.300.0152, February 2009), a Phase I Property Assessment Update Report (Hull Document CIL012.300.0006, February 2009), and a Phase II Property Assessment Addendum Report (Hull Document CIL012.300.0025, February 2009) has been completed consistent with the requirements of OAC 3745-330-09.

The Property consists of one parcel (Fairfield County Auditor's Parcel Number 0535883700) located within the City of Lancaster, Fairfield County, Ohio. The Property is approximately 16.689 acres. The majority of the Property had been graded and seeded in preparation for redevelopment. The Property is currently free of structures and no commercial or industrial operations are being undertaken on the premises. Current Property features, including the boundary of the Property, are shown on Figure 2.

The Property was generally bound by Baldwin Run to the west, Penn Railroad to the north, an industrial property to the east, residential lots to the southeast, and Lawrence Street to the southwest. The Property sloped to the west which generally drains to Baldwin Run.

1.1 Purpose of the Risk Mitigation Plan

This RMP has been prepared to comply with the requirements contained in OAC 3745-300-15. Implementation of the RMP is required at the Property to address potential direct contact exposure of on-Property construction/excavation worker to arsenic, cadmium, and lead concentrations in the subsurface soils at depths of 2.5 and 4.0 feet below ground surface (bgs),

depending on the location of the intrusive activities. In the south-central a portion of the Property, the RMP will be implemented when soils at depths greater than 2.5 feet bgs are disturbed. The area requiring implementation of the RMP below 2.5 feet is approximately 4.689 acres in size and is shown on Figure 2. The remainder of the Property (12.0 acres) requires that the RMP be implemented in the event soils below a depth greater than 4.0 feet are encountered during intrusive activities. This area is shown on Figure 2 as the area inside the Property boundary and outside the limits of the 4.689-acre RMP area. A legal description of the Property and area requiring the 2.5-foot restriction under the RMP is provided in Appendix A. Additionally, the RMP is required Property-wide if groundwater containing COCs above unrestricted potable use standards (UPUS) is encountered during intrusive activities.

This RMP applies to activities at the Property pursuant to OAC 3745-300-15(G) for the purpose of VAP requirements; therefore the RMP should be implemented to maintain the Property's compliance with VAP construction/excavation activity standards even when a cited Occupational Safety and Health Administration (OSHA) provision does not apply. This RMP is not intended to identify or prescribe relevant activities to achieve OSHA compliance.

Additionally, intrusive activities may be subject to the requirements under Ohio Administrative Code (OAC) 3745-27-13 due to the reported potential that areas on the Property were used as a dump area prior to the 1970's. Any intrusive activities conducted in the suspected former dump area at the Property are subject to the requirements of OAC 3745-27-13, including excavating, grading, building, and drilling. This includes all areas within and external to the RMP area currently defined for soil below 2.5 feet. Accordingly, the City of Lancaster, the contractor or future developer will need to prescribe the groundwater protection requirements pursuant to the OAC 3745-27-13 request. In the event that future intrusive activities are conducted within the suspected former dump area, the specific scope of a request will be determined in context with the planned intrusive activities and authorization obtained prior to engaging in those activities. The estimated areal extent of the suspected historic dump area subject to OAC 3745-27-13 is shown on Figure 2.

1.2 Evaluation of Worker Hazards and Risks

As described in the Phase II Property Assessment (Hull document CIL005.300.0038), compliance with applicable standards at the Property requires the completion of the following additional remedial activities:

- The establishment of an institutional control that restricts the use of the Property to a commercial or industrial land use as defined in Paragraphs (B)(2)(c)(ii) and (B)(2)(c)(iii) of Rule 3745-300-08 of the OAC, respectively, consistent with the establishment of the 2.0-foot direct contact point of compliance for soils at the Property, in accordance with Paragraph (D)(3) of Rule 3745-300-15 of the OAC;
- The establishment of an institutional control that precludes the use of groundwater at the Property for potable use, in accordance with Paragraph (D)(3) of Rule 3745-300-15 of the OAC;
- Based on the results of the remedial activities conducted at the Property, chemicals of concern (COC) concentrations in soils at the Property do not comply with the direct contact standards for arsenic, cadmium, and lead for the construction/excavation worker receptor population. The implementation of a RMP for the on-Property construction/excavation worker receptor population to mitigate potential direct contact exposures to arsenic, cadmium, and lead concentrations in soils at depths greater than 2.5 feet bgs in the south-central portion of the Property and depths greater than 4.0 feet bgs for the remaining 12.0 acres of the Property is required in accordance with Paragraphs (D)(7) and (G) of Rule 3745-300-15 of the OAC; and
- Based on the results of groundwater sampling conducted at the Property, COC concentrations in groundwater at the Property exceed UPUS. The implementation of a RMP for the on-Property construction/excavation worker receptor population to mitigate potential direct contact exposures to groundwater containing COCs at concentrations that may potentially result in unacceptable hazard or risk is required in accordance with Paragraphs (D)(7) and (G) of Rule 3745-300-15 of the OAC.

2.0 RISK MITIGATION DURING SUBSURFACE ACTIVITIES

2.1 Summary of Potential Health Risks Associated with COCs at the Property

One of the most important aspects to consider when planning and implementing subsurface activities at the Property is the recognition of existing and potential safety and health hazards. The key to risk mitigation is an ability to recognize situations that may produce hazardous conditions and to plan to mitigate those conditions before illnesses and/or injuries can occur.

During potential future soil disturbance in the south-central portion of the Property, it is feasible that soils containing arsenic, cadmium, and/or lead at concentrations exceeding the direct contact standards for the construction/excavation worker receptor population may be encountered at depths below the depth of 2.5 feet in this area. These areas of the Property covered by the RMP are shown on Figure 2 and detailed legal description of this area is included in Appendix A.

In addition, although it is not anticipated that groundwater will be encountered during intrusive activities across the majority of the Property (i.e., groundwater located at depths within the reasonably anticipate depth of excavation is primarily limited to western quarter of the Property), it is possible that groundwater containing metals (i.e., antimony, arsenic, lead and zinc) and volatile organic compounds (VOCs) (i.e., benzene, 1,1-dichloroethene, tetrachloroethene, trichloroethene and vinyl chloride) at concentrations in exceedance of UPUS. Therefore, this RMP will be implemented as a presumptive remedy in the event that groundwater is encountered.

All intrusive work (i.e. utility work below a depth of 2.5 ft bgs.) in the south-central portion of the Property or at a depth of greater than 4.0 ft bgs for the remaining Property and activities conducted in areas where groundwater may be encountered should be performed using a minimum of a modified Level D personal protective equipment (PPE), however, it is the responsibility of construction and utility workers to provide health and safety plans (HASPs) that prescribe the appropriate level of PPE for each Property-specific task and phase of work. Each worker will need to review this document and sign the worker acknowledgement form located in Appendix B of this document.

2.1.1 Chemical Hazards

Hazardous chemicals may potentially be encountered during subsurface construction and utility work activities at a portion of the Property. If it is anticipated that workers may encounter areas containing hazardous chemicals, the worker may need to complete the OSHA 29 CFR 1926.65 40-Hour Hazardous Waste Operations and Emergency Response Course or Hazardous Communication OSHA 29 CFR 1910.1200 training, as applicable. It is up to the discretion of the relevant Health and Safety Coordinator to approve all personnel to conduct subsurface activities on the Property.

The general routes of exposure in which construction and utility workers may be exposed to COCs include:

1. inhalation of particulate and volatile emissions in ambient air;
2. dermal contact with contaminants contained in soil and groundwater encountered when conducting subsurface activities;
3. ingestion of contaminants contained in soil and groundwater encountered when conducting subsurface activities (such as may occur through poor personal hygiene and decontamination practices); and
4. cuts/injection from sharp objects contained in on-Property debris, either surface or excavated.

General precautions to protect On-Property Construction/Excavation workers from exposures to COCs in soils and groundwater will focus on the use of dust suppression measures, groundwater management provisions, and the use of PPE, as applicable.

Useful sources of hazard information for specific chemicals can be found in National Institute for Occupational Safety and Health (NIOSH)/OSHA Occupational Health Guidelines for Chemical Hazards. Contact information for NIOSH and an example of available data are provided in Appendix C. The Health and Safety Manager may refer to the American Conference of Governmental Industrial Hygienists (ACGIH) Threshold Limit Values (TLVs) for Chemical and Physical Agents and the NIOSH Pocket Guide to Chemical Hazards for Permissible Exposure Limits (PELs) and Short Term Exposure Limits (STELs).

2.1.1.1 Metals

Arsenic, cadmium, and lead potentially pose an unacceptable hazard or risk to the On-Property Construction/Excavation Worker. Exposure to arsenic, cadmium, and/or lead may occur through contact with soil or surface waters that accumulate in excavations that may become impacted through leaching of COCs from soil. In addition, groundwater containing antimony, arsenic, lead and zinc above UPUS may occur through contact with groundwater.

Concentrations of antimony, arsenic, cadmium, lead and/or zinc in soils or groundwater encountered during construction or excavation activities may result in exposures through incidental ingestion of or skin contact with the contaminated soil or groundwater. These exposures may result in human health hazards if proper hygienic practices are not observed. All personnel handling equipment that are potentially contaminated with COCs should wear nitrile gloves and clothing that limits exposure of the skin. When engaging in construction or excavation activities, personnel should refrain from hand-to-mouth activities (including eating, chewing gum, and smoking) that increase the opportunity for inadvertent or incidental ingestion of contaminated soil or groundwater.

During implementation of any On-Property activity where intrusive activities below the point of compliance are conducted, the work may encounter impacted materials as described above. Prior to each intrusive activity, an evaluation of the potential hazards that may be posed by the specific activity should be conducted. The RMP will be revised as needed, based on the work conditions on the Property.

2.1.1.2 Volatile Organic Compounds

Benzene, 1,1-dichloroethene, tetrachloroethene, trichloroethene and vinyl chloride were each detected in groundwater at concentrations in exceedance of UPUS. Although the exceedance of a potable use standard does not indicate that exposure to the same concentrations of COCs through direct contact will result in unacceptable hazard or risk, these exposures may result in human health hazards if proper hygienic practices are not observed. All personnel handling equipment that are potentially contaminated with COCs should wear nitrile gloves and clothing that limits exposure of the skin. When engaging in construction or excavation activities, personnel should refrain from hand-to-mouth activities (including eating, chewing gum, and smoking) that increase the

opportunity for inadvertent or incidental ingestion of contaminated groundwater. In addition, the necessity of air monitoring to evaluate potential levels of VOCs in ambient air should be evaluated.

During implementation of any on-Property activity where intrusive activities below the point of compliance are conducted, the work may encounter impacted materials as described above. Prior to each intrusive activity, an evaluation of the potential hazards will be conducted. This evaluation should be incorporated into a HASP that meets all applicable OSHA guidelines including, but not limited to, 29 CFR 1910.120 and 29 CFR 1926.65.

2.1.2 Precautions to be Taken at the Property

Dust Suppression – During excavation of soils below 2.5 feet in south-central portion of the Property as depicted on Figure 2 or below 4.0 feet across the remainder of the Property, observation personnel will be attentive to dry air and soil material conditions that could result in fugitive dust generation. Water will be available at the Property at all times during operations such that the soil materials may be dampened to an extent necessary to control dust, but not to the extent that free liquids are generated from the materials. The contractor will also take all necessary precautions to modify or minimize activities, which could lead to dust generation.

The provisions for the management of potentially impacted groundwater will be applied to future intrusive activities which are conducted within the entire Property, unless pre-characterization of groundwater demonstrates that COCs at concentrations exceeding standards will not be contacted during the execution of a specific task. In the event that pre-characterization is either (1) not conducted, or (2) is conducted and indicates potentially unacceptable risk to construction/excavation workers, it is expected that exposures to potentially impacted groundwater will be minimized through the use of PPE and groundwater management activities. The supervisor(s) overseeing the work is responsible for implementing a HASP(s) that meets all federal, state and local laws and regulations for each task that may result in exposure of workers to groundwater containing COCs in exceedance of applicable standards.

2.2 Safety Considerations

2.2.1 General Safety Guidelines

All construction and utility workers will be expected to adhere to the safety practices for their respective specialties. Workers will also exercise caution when working in adverse weather, on rough or slippery terrain, when operating on or around machinery, and when vision and mobility are impaired due to use of protective gear. It is also important that the integrity of protective clothing is maintained. The following should be noted:

1. If unknown situations arise, always assume the worst and plan responses accordingly.
2. Use the buddy system; establish and maintain communication by use of hand signals, radios or other means as necessary.
3. Minimize contact with excavated or other potentially petroleum and/or hazardous materials or liquids.
4. Use disposable protective items when possible to minimize risks during work.
5. Smoking, eating, or drinking is not allowed after entering the work zone and before personnel decontamination.
6. Be observant of the surroundings and also of others. Extra precautions are necessary when using protective gear due to reduced vision, mobility, and hearing. Traffic control will be used at all times.
7. Use of contact lenses by workers must be supplemented with safety glasses or goggles during any activities. Safety glasses or goggles are the only acceptable eye PPE.
8. Changes in contingency plans will be posted to notify all personnel of any modifications to safety protocol related to changing working conditions.
9. Any questionable hazardous conditions include withdrawal and re-assessment prior to returning to work or encountering any potentially hazardous situation.
10. The construction or utility worker will maintain a log of meetings, facts, incidents, data, etc. relating to work conducted at the facility. Records will remain at the work area during duration of project.
11. Observance of applicable OSHA, EPA, general health and safety, and specific equipment use practices is mandatory.

2.3 Personal Protective Equipment (PPE)

Various types of PPE may be needed as part of construction and utility workers activities to minimize the potential of exposure to hazardous substances. Intrusive work conducted below a depth of 2.5 feet in the south-central portion of the Property or below at depth of 4.0 feet in areas across the remainder of the Property should be performed using modified Level D protection at a minimum. However, a designated individual will determine the level of PPE for each job task.

2.3.1 Modified Level D Protection

If conditions permit, all work conducted pursuant to the RMP will be conducted in modified Level D personal protective safety gear consisting of:

1. disposable coveralls (as necessary);
2. safety boots;
3. safety glasses or goggles;
4. a hard hat (as applicable to any overhead hazard);
5. work gloves (chemical resistant materials such as nitrile, latex, etc. will be required); and
6. hearing protection.

2.4 Determination and Cleanup Procedures

2.4.1 Personnel Decontamination

Prior to leaving work areas that may be impacted with COCs, all personnel will perform cleanup. Under no circumstances, except for emergency evacuation, will contaminated personnel or equipment be allowed to leave a work area without first decontaminating.

All decontamination of equipment will be conducted in a manner that assures all contaminants remain in their appropriate work zone and are properly stored. Monitoring equipment will be protected from contamination as much as possible. All non-disposable PPE (e.g., respirators) shall be cleaned daily with soap and potable water, disinfectant, or other appropriate cleaning solutions.

2.5 Emergency Response

2.5.1 General

It is anticipated that work will be performed using modified Level D protection and that contaminant exclusion zones will not always be required. Exclusion zones will be used for modified Level D work and may be utilized for convenience elsewhere to properly segregate operations and keep unauthorized personnel out of work area. Emergency contacts are included in Appendix D of this document.

All personnel injuries, regardless of severity, will be reported as soon as possible. If the injury is minor and does not require off-site treatment, first aid can be administered and a determination will be made if the victim can continue working.

2.5.2 Medical Emergency

Medical emergency information is included at the front of this document and in Appendix D. The information consists of written directions to the hospital and emergency phone numbers. The Property is located in an active 911 service area. These numbers will be posted at the work area.

3.0 MANAGEMENT OF IMPACTED ENVIRONMENTAL MEDIA

3.1 Soil

Based on the soil confirmation results included in the Remedial Activities Summary Report, soils within the south-central portion of the Property are above the direct contact standards for arsenic, cadmium and/or lead for the construction/excavation worker receptor population at a depth greater than 2.5 feet below ground surface. In addition, soil encountered below a depth of 4.0 feet bgs in areas across the remainder of the Property may also contain COCs at concentrations in exceedance of applicable standards. Workers may be at risk if direct contact with subsurface soil should occur within these zones.

Soils management in the areas subject to the RMP requires the following procedures:

1. OAC 3745-27-13 Authorization Request from the Ohio EPA for intrusive activities such as filling, grading, excavating, building, and drilling within the designated RPM area where the potential dumping may have occurred.
2. The Owner shall be immediately notified of the impacted soil.
3. The soil will be temporarily stockpiled and controlled pending characterization and transportation to a licensed treatment, storage or disposal facility, as appropriate.
4. Personnel in the area of the excavation who may encounter impacted soil will wear appropriate PPE, based on the magnitude of impact encountered, as determined by the contractor's HASP.
5. Based on the analytical results of the soil collected, appropriate procedures will be established to mitigate all risks based on the nature and duration of the work that will be conducted, in accordance to the contractor's HASP.
6. Dust suppression measures shall be employed to minimize the creation of airborne particulates.

3.2 Groundwater

Groundwater may be encountered during future activities at the Property. Water that accumulates within property excavations (*i.e.* runoff / groundwater) will be managed on-Property as follows:

1. All water which comes into contact with the excavated soil shall be contained on-Property, so as to prevent off-Property flow. The Owner shall be notified of the

water management methods immediately. Work will not proceed in the area if standing water remains.

2. If storm water has infiltrated into the exposed area before work can proceed, the excess water will be pumped from the area and containerized.
3. All contaminated water encountered during work activities, including water removed from excavations, shall be contained on-Property or pumped to a temporary storage tank.
4. All water generated from decontamination activities shall be containerized for testing.
5. Daily logs will be maintained that will identify the quantity and origin of all water added to any storage tank.
6. Water determined not to be contaminated after testing will be disposed after consultation with the appropriate authorities.
7. Based on the analytical results of the water collected, appropriate procedures will be established to mitigate all risks based on the nature and duration of the work that will be conducted.

4.0 RISK MITIGATION PROVISIONS

4.1 Provisions for When the RMP is to be Implemented

The RMP is to be implemented whenever workers at the Property are reasonably expected to be exposed to subsurface soils below at depth of 2.5 feet within the south-central portion of the Property or subsurface soil at depths greater than 4.0 feet across the remainder of the Property that contain COCs exceeding applicable VAP standards. In addition, the RMP is to be implemented in the event that groundwater is encountered during intrusive activities Property-wide. Examples of such scenarios that would require the implementation of the RMP include, but are not limited to: excavation, construction, or utility installation.

4.2 Locations Where the RMP is to be Implemented

4.2.1 Soil

The provisions for the management of impacted soil (Section 3.1) will be applied to future intrusive activities underneath south-central portion of the Property as shown on Figure 2 and described in Appendix A. Provisions for management of the soils will be implemented if intrusive activities are conducted within the limits of the RMP below depths of 2.5 feet bgs in this area. In addition, the provisions for the management of soil will be implemented in the event that intrusive activities are conducted at depths greater than 4.0 feet bgs across the remainder of the Property.

4.2.2 Groundwater

The provisions for the management of impacted groundwater (Section 3.2) will be applied to future intrusive activities underneath the entire Property.

4.3 Notice Provisions

4.3.1 Site Workers

The Owner is responsible for providing this RMP, and the worker precautions contained herein to Property workers, employees, and subcontractors that perform subsurface activities at the Property.

4.3.2 Ohio EPA Annual Notification

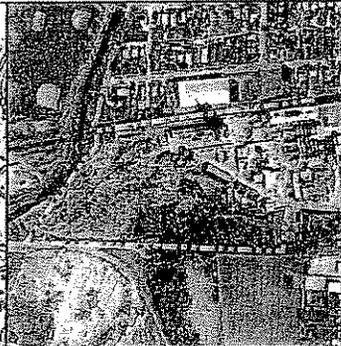
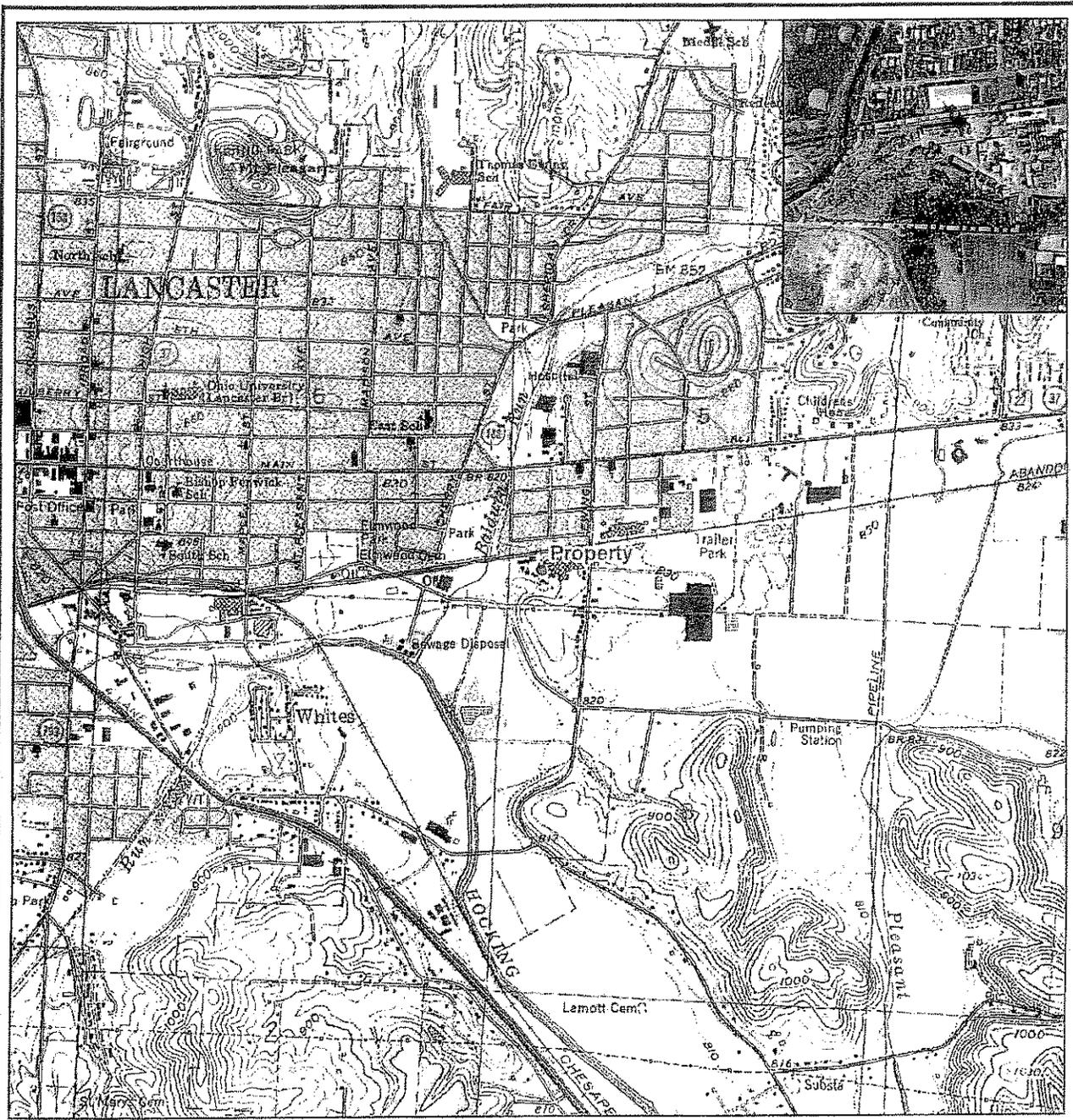
The Owner is responsible for providing annual notification to Ohio EPA and the Voluntary Action Program Coordinator as to whether the RMP has been implemented at the Property. If

implementation of this RMP occurred, the Owner is responsible for notifying the director of Ohio EPA and the Voluntary Action Program Coordinator in writing that implementation occurred, the events that required implementation, the potential exposures that may have occurred and the specific precautions taken to address the potential exposures, on an annual basis.

4.4 Termination of Risk Mitigation Plan

Currently, implementation of the RMP in accordance with the provisions detailed in Section 4.1 is required for the Property to comply with the applicable VAP standards for construction and excavation standards. In the event that conditions change or it is demonstrated that compliance with applicable standards may be demonstrated without implementation of the RMP, the RMP may be modified or terminated as needed upon mutual agreement of the Owner and the Ohio EPA.

FIGURES

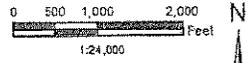


Quadrangle Location

Legend
 ● Property Location

Source: The topographic map was obtained from the Terrserver website, <http://terrserver-usa.net>. Quadrangle name: Lancaster, OH revised in 1983, published in 1985, and photo revised 1992.

The aerial photo in the inset was acquired through the OGRIP/OIT ArcIMS website, <http://gis1.utl.ohio.gov>. Aerial photography dated 2008.



Hull

6397 Emerald Parkway
 Suite #200
 Dublin, Ohio 43016
 © 2008, Hull & Associates, Inc.

Phone: (614) 793-8777
 Fax: (614) 793-8070
www.hullinc.com

Risk Mitigation Plan
 Former Anchor Hocking Plant No. 2

Property Location Map

911 Lawrence Street
 Lancaster, Fairfield County, Ohio

Date:
 February 2009

Project Number: CIL012_03.RPT
 Geodatabase: CIL009.mdb
 File Name:
 CIL012_03_Fig01_PropLocMap.mxd

Figure
1

**RISK MITIGATION PLAN
 FORMER ANCHOR HOOKING
 PLANT NO. 2 PROPERTY
 911 LAWRENCE STREET
 CITY OF LANCASTER, FAIRFIELD COUNTY, OHIO**

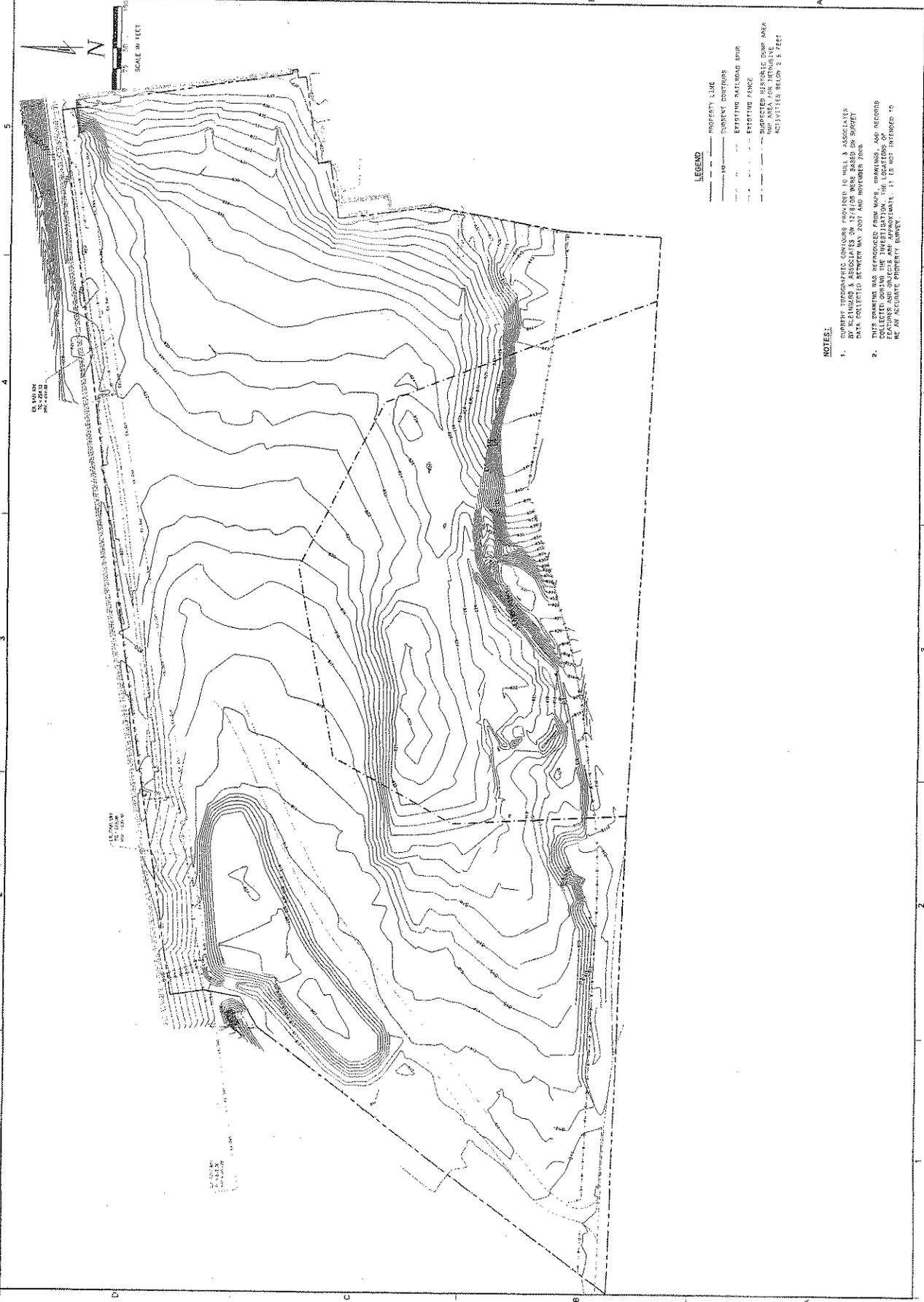
**CITY OF
 LANCASTER, OH**

100 EAST WATH ST.
 LANCASTER, OH 43085

DATE: 08/14/2017
 DRAWN BY: [Name]
 CHECKED BY: [Name]

NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMIT	08/14/2017
2	REVISION	08/14/2017
3	REVISION	08/14/2017
4	REVISION	08/14/2017
5	REVISION	08/14/2017
6	REVISION	08/14/2017
7	REVISION	08/14/2017
8	REVISION	08/14/2017
9	REVISION	08/14/2017
10	REVISION	08/14/2017
11	REVISION	08/14/2017
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45	REVISION	08/14/2017
46	REVISION	08/14/2017
47	REVISION	08/14/2017
48	REVISION	08/14/2017
49	REVISION	08/14/2017
50	REVISION	08/14/2017

**FIGURE 2
 SITE PLAN
 POST REMEDIATION**



LEGEND

- PROPERTY LINE
- CURRENT CONTOUR
- EXISTING WALL AND FENCE
- EXISTING FENCE
- SUGGESTED RESTORATION AREA
- HAZARDOUS WASTE AREA
- ACTIVITIES BELOW 5 FEET

- NOTES:**
1. CURRENT TOPOGRAPHIC CONTOURS PROVIDED TO HILL & ASSOCIATES BY KENIGER & ASSOCIATES ON 12/18/08 WERE BASED ON SURVEY DATA COLLECTED BETWEEN MAY 2007 AND NOVEMBER 2008. THIS DRAWING HAS BEEN REPRODUCED FROM MAPS, DRAWINGS, AND RECORDS OF THE SURVEY AND IS NOT A REPRODUCTION OF THE ORIGINAL SURVEY DATA. THE LOCATION OF FEATURES AND CONTOURS ARE APPROXIMATE. IT IS ADVISED THAT THIS IS NOT AN ACCURATE PROPERTY SURVEY.
 - 2.

APPENDIX A

Detailed Description of the Areas Covered by RMP

TOBIN-McFARLAND SURVEYING, INC.



Professional Land Surveyors

111 West Wheeling Street
Lancaster, Ohio 43130
Phone (740) 687-1710
Fax. (740) 687-0877

Description of 16.689 Acres

Situated in the State of Ohio, Fairfield County, Township 14, Range 18, Sections 5 and 6, City of Lancaster.
Being part of the 18.182 Acres described in a deed to The City of Lancaster as recorded in Official Record 1414, Page 3702 and being more fully described as follows:

Beginning at a 3/4 inch iron pipe found at the southeast corner of section 6 and the southwest corner of section 5;
thence with the south line of section 6, South 88 degrees 55'32" West a distance of 578.35 feet to a point in Lawrence Street;

thence North 33 degrees 45'03" East, passing a 5/8 inch rebar previously set at 38.78 feet, a distance of 532.86 feet to a 5/8 inch rebar previously set;

thence North 57 degrees 40'54" East a distance of 41.41 feet to a 5/8 inch rebar previously set;

thence North 07 degrees 15'38" East a distance of 44.80 feet to a 5/8 inch rebar previously set;

thence North 11 degrees 11'11" West a distance of 42.04 feet to a point on the south line of the Penn Central Railroad;

thence with the line of the Penn Central Railroad the following three (3) courses:

(1) North 78 degrees 48'49" East a distance of 362.26 feet to a 5/8 inch rebar previously set;

(2) North 79 degrees 51'30" East a distance of 700.30 feet to a 5/8 inch rebar previously set;

(3) North 78 degrees 48'49" East a distance of 15.90 feet to a 5/8 inch rebar set;

thence South 11 degrees 27'06" East a distance of 72.62 feet to a point;

thence North 78 degrees 32'54" East a distance of 5.00 feet to a point;

thence South 11 degrees 27'06" East a distance of 212.79 feet to a point;

thence North 78 degrees 24'13" East a distance of 4.22 feet to a point;

thence South 15 degrees 03'22" East a distance of 6.12 feet to a point;

thence South 79 degrees 22'13" West a distance of 10.43 feet to a point;

thence South 10 degrees 34'38" East a distance of 9.63 feet to a point;

thence South 78 degrees 25'50" West a distance of 105.66 feet to a point;

thence South 16 degrees 26'32" East a distance of 14.86 feet to a point;

thence South 78 degrees 03'54" West a distance of 70.90 feet to a point;

thence South 10 degrees 39'12" East a distance of 121.00 feet to a point;

thence South 07 degrees 15'09" West a distance of 158.95 feet to a point;

thence South 00 degrees 07'33" East a distance of 113.27 feet to a 5/8 inch rebar set on the south line of section 5;

thence South 89 degrees 52'27" West a distance of 703.32 feet to the point of beginning, containing 16.689 Acres.

Bearings are based on a previous survey filed in survey book 28, page 9457 and are used to denote angles only. Rebars set are 5/8 inch by 36 inches and have a yellow plastic identification cap stamped "Tobin-McFarland". For additional information see plat of survey made in conjunction with and considered an integral part of this description.

This description is based on a survey made in December of 2005 by Tobin-McFarland Surveying, Inc., and was prepared by Rodney McFarland, Registered Professional Surveyor No. 6416.

VAP Boundary/City of Lancaster



Rodney McFarland

Rodney McFarland, P.S.

Feb. 20, 2009



TOBIN-McFARLAND SURVEYING, INC.

Professional Land Surveyors

111 West Wheeling Street
Lancaster, Ohio 43130
Phone (740) 687-1710
Fax. (740) 687-0877

*Description of 4.689 Acres
Risk Mitigation Area*

Situated in the State of Ohio, Fairfield County, Township 14, Range 18, Sections 5 and 6, City of Lancaster.

Being part of the 18.182 acre tract described in a deed to The City of Lancaster as recorded in Official Record 1414, Page 3702 and being more fully described as follows:

Beginning at a ¾ inch iron pipe found at the southeast corner of section 6 and the southwest corner of section 5;

thence North 06 degrees 06'39" West a distance of 208.86 feet to a point;

thence North 25 degrees 11'18" East a distance of 168.29 feet to a point;

thence North 76 degrees 34'44" East a distance of 234.43 feet to a point;

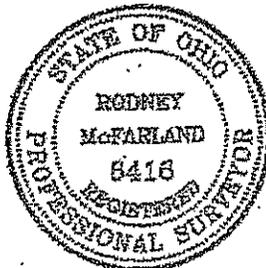
thence South 65 degrees 27'41" East a distance of 224.73 feet to a point;

thence South 24 degrees 14'29" East a distance of 350.59 feet to a point on the south line of Section 5;

thence South 89 degrees 52'27" West a distance of 625.80 feet to the point of beginning, containing 4.689 Acres.

Bearings are based on a previous survey filed in survey book 28, page 9457 and are used to denote angles only. For additional information see plat of survey made in conjunction with and considered an integral part of this description.

This description is based on a survey made in December of 2005 by Tobin-McFarland Surveying, Inc., and was prepared by Rodney McFarland, Registered Professional Surveyor No. 6416.



Rodney McFarland
Rodney McFarland, P.S.
Feb.20, 2009

APPENDIX B

Worker Acknowledgement Forms

WORKER ACKNOWLEDGEMENT TO TRAINING

I HAVE ATTENDED THE FOLLOWING TRAINING SESSIONS AND AGREE TO FOLLOW THE RISK MITIGATION PROCEDURES THAT WERE OUTLINED.

TOPIC _____

DATE _____

TRAINER _____

NAME

DATE

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

APPENDIX C

NIOSH Contact Information and Example Chemical Data

The National Institute for Occupational Safety and Health (NIOSH) can be located at the following:

World Wide Web: <http://www.cdc.gov/niosh/topics/chemical-safety/default.html>

Telephone: 1-800-35-NIOSH (1-800-356-4674) or Outside the U.S. 513-533-8328

Fax: 1-513-533-8573

The attached page is an example of the type of information available from NIOSH. This reference for m-xylene, o-xylene, and p-xylene is excerpted from the *NIOSH Pocket Guide to Chemical Hazards* (NPG). Sources other than the NPG are also available. Those can include the *Agency for Toxic Substances and Disease Registry, Hazardous Materials Safety – Emergency Response Guidelines*, and others. These can also be found through NIOSH at the following World Wide Web address: <http://www.cdc.gov/niosh/topics/chemical-safety/default.html>.

APPENDIX D

Directions to Hospital and Emergency Telephone Numbers

EMERGENCY TELEPHONE NUMBERS

GENERAL

911 SERVICE AREA

U.S. EPA 24-Hour Hotline (National Response Center)	215-597-9898 800-424-8802
Ohio EPA (24 hour emergency)	800-282-9378
CHEMTREC (Chemical Information)	800-424-9300

LOCAL

Fire Department, City of Lancaster	911
Police Department, City of Lancaster	911
Hospital	(740) 687-8000

Route to Hospital:

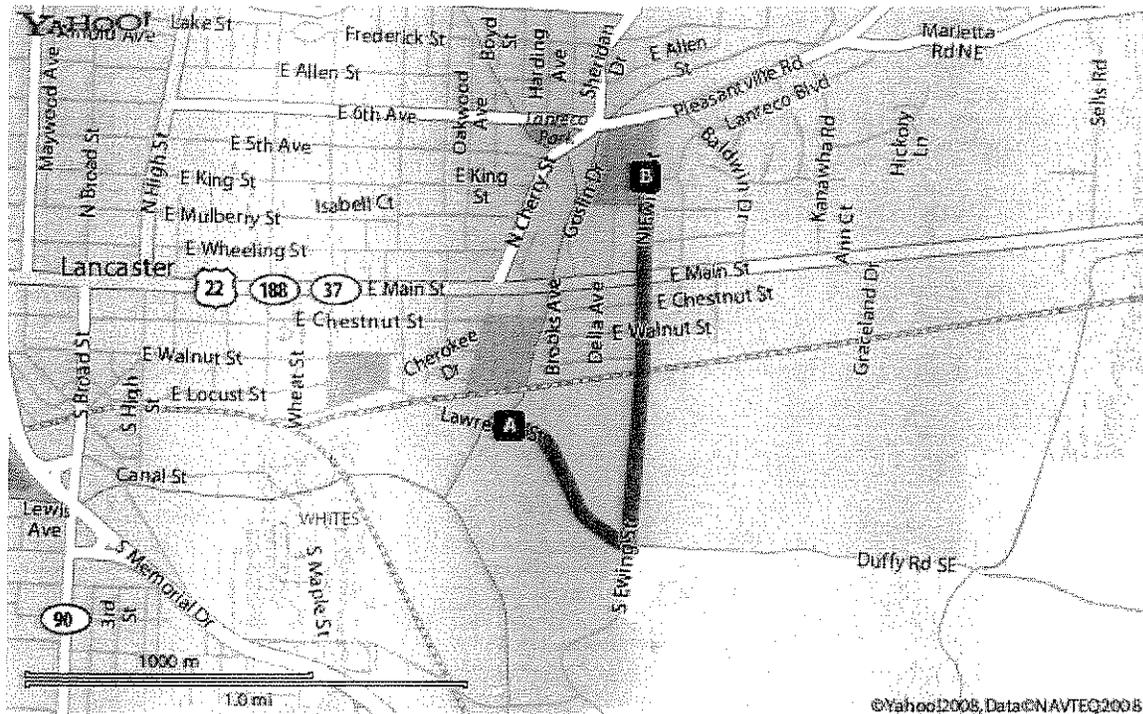
Fairfield Medical Center
401 North Ewing Street
Lancaster, Ohio 43130

A: 911 Lawrence Street, Lancaster, Ohio 43130

B: 401 North Ewing Street, Lancaster, Ohio 43130

1. Start at 911 LAWRENCE ST, LANCASTER going toward S EWING ST go 0.42 mi
2. Turn left on S EWING ST go 0.88 mi
3. Arrive at 401 N EWING ST, LANCASTER, on the left

Time: 4 minutes, Distance: 1.31 miles





State of Ohio Environmental Protection Agency

RECEIVED

STREET ADDRESS:

MAILING ADDRESS:

Lazarus Government Center
50 W. Town St., Suite 700
Columbus, Ohio 43215

TELE: (614) 644-3020 FAX: (614) 644-3184
www.epa.state.oh.us

MAR 24 2010

P.O. Box 1049
Columbus, OH 43216-1049

MEMORANDUM OHIO EPA/CDO

TO: Shelley Wilson, Executive Administrator for Real Property, Tax
Equalization Division, Dept. of Taxation

Amy Alduino, Office of Urban Development, Dept. of Development

FROM: Chris Korleski, Director, Ohio Environmental Protection Agency

DATE: 3/18/10

RE: Covenant Not to Sue Issued to City of Lancaster for the Former Anchor
Hocking Plant #2 Property

As Director of the Ohio Environmental Protection Agency, I certify that the city of Lancaster has performed investigational and remedial activities at the property listed below and has been issued a covenant not to sue under the authority of Ohio Revised Code (ORC) Chapter 3746. This information is being provided in satisfaction of ORC 5709.87(B).

Property name: Former Anchor Hocking Plant #2

Property address: 911 Lawrence St. Lancaster, Ohio 43130

Property owner: City of Lancaster

Property owner address: 104 East Main St., Lancaster, Ohio 43130

Parcel number(s): 0535883700 (formerly 0535008400)

County: Fairfield

Taxing District: City of Lancaster/Lancaster CSD

Date Covenant Not to Sue Issued: MAR 22 2010

Attached, for your information, is a copy of the legal description of the property.

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

Ohio EPA is an Equal Opportunity Employer

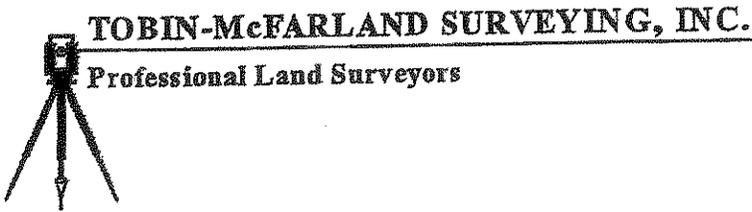
If additional information regarding the property or the voluntary action is required, I suggest you first contact Steven M. Gross, the certified professional for the property, at 614-793-8777. In the alternative, you can contact Fred Myers with the Ohio Environmental Protection Agency at 614-728-3830.

c: David Smith, Mayor, City of Lancaster
Municipal Building, Room 101
104 East Main Street
Lancaster, Ohio 43130

Steven M. Gross, Certified Professional,
Hull and Associates
6397 Emerald Parkway, Suite 200
Dublin, Ohio 43016

Barbara Curtis, Fairfield County Auditor
210 East Main Street
Lancaster, Ohio 43130

Tiffani Kavalec, Manager, ACRE, Ohio EPA
Sue Kroeger, Legal Office, Ohio EPA
Fred Myers, DERR-CDO
Deborah Strayton, DERR-CDO
DERR-CO, VAP Files 09NFA339



TOBIN-McFARLAND SURVEYING, INC.

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Lancaster, Ohio 43130
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Beginning at a ¼ inch iron pipe found at the southeast corner of section 6 and the southwest corner of section 5;
thence with the south line of section 6, South 88 degrees 55'32" West a distance of 578.35 feet to a point in Lawrence Street;

thence North 33 degrees 45'03" East, passing a 5/8 inch rebar previously set at 38.78 feet, a distance of 532.86 feet to a 5/8 inch rebar previously set;

thence North 57 degrees 40'54" East a distance of 41.41 feet to a 5/8 inch rebar previously set;

thence North 07 degrees 15'38" East a distance of 44.80 feet to a 5/8 inch rebar previously set;

thence North 11 degrees 11'11" West a distance of 42.04 feet to a point on the south line of the Penn Central Railroad;

thence with the line of the Penn Central Railroad the following three (3) courses:

- (1) North 78 degrees 48'49" East a distance of 362.26 feet to a 5/8 inch rebar previously set;
- (2) North 79 degrees 51'30" East a distance of 700.30 feet to a 5/8 inch rebar previously set;
- (3) North 78 degrees 48'49" East a distance of 15.90 feet to a 5/8 inch rebar set;

thence South 11 degrees 27'06" East a distance of 72.62 feet to a point;

thence North 78 degrees 32'54" East a distance of 5.00 feet to a point;

thence South 11 degrees 27'06" East a distance of 212.79 feet to a point;

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thence South 15 degrees 03'22" East a distance of 6.12 feet to a point;

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thence South 10 degrees 34'38" East a distance of 9.63 feet to a point;

thence South 78 degrees 25'50" West a distance of 105.66 feet to a point;

thence South 16 degrees 26'32" East a distance of 14.86 feet to a point;

thence South 78 degrees 03'54" West a distance of 70.90 feet to a point;

thence South 10 degrees 39'12" East a distance of 121.00 feet to a point;

thence South 07 degrees 15'09" West a distance of 158.95 feet to a point;

thence South 00 degrees 07'33" East a distance of 113.27 feet to a 5/8 inch rebar set on the south line of section 5;

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This description is based on a survey made in December of 2005 by Tobin-McFarland Surveying, Inc., and was prepared by Rodney McFarland, Registered Professional Surveyor No. 6416.

VAP Boundary/City of Lancaster



Rodney McFarland
Rodney McFarland, P.S.
Feb. 20, 2009

RECEIVED

MAR 24 2010

TOBIN-McFARLAND SURVEYING, INC.

Professional Land Surveyors



OHIO EPA/CDO

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thence South 15 degrees 03'22" East a distance of 6.12 feet to a point;

thence South 79 degrees 22'13" West a distance of 10.43 feet to a point;

thence South 10 degrees 34'38" East a distance of 9.63 feet to a point;

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thence South 16 degrees 26'32" East a distance of 14.86 feet to a point;

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thence South 10 degrees 39'12" East a distance of 121.00 feet to a point;

thence South 07 degrees 15'09" West a distance of 158.95 feet to a point;

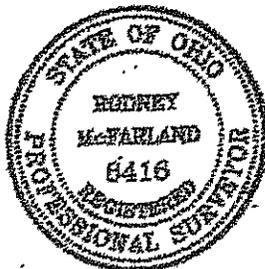
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VAP Boundary/City of Lancaster



Rodney McFarland
Rodney McFarland, P.S.
Feb. 20, 2009