

OHIO E.P.A.

AUG 19 2014

ENTERED DIRECTOR'S JOURNAL

BEFORE THE

OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

G-R Contracting, Inc.  
35479 State Route 78  
Lewisville, Ohio 43754

Landowner Respondent

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Director's Final  
Findings and Orders

PREAMBLE

It is hereby agreed to by the Parties as follows:

I. JURISDICTION

1. These agreed Director's Final Findings and Orders ("Orders") are issued to G-R Contracting, Inc. ("Landowner Respondent") pursuant to the authority vested in the Director of Ohio EPA under Ohio Revised Code ("ORC") §§ 3734.13, 3734.20, 6111.03, and 3745.01.

II. PARTIES BOUND

2. These Orders shall apply to and be binding upon Landowner Respondent and its officers, directors and successors in interest under Ohio law.

3. Landowner Respondent shall ensure that all contractors, subcontractors and employees assigned to perform work on the Subject Property comply with these Orders.

III. FINDINGS

4. The Director of Ohio EPA has determined the following

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.

By: Jenya Kasser Date: 8-19-14

- a. The Subject Property is located at 17226 County Road 57 in Olive Township, approximately 0.75 mile south of the Village of Caldwell, in Noble County, Ohio. The Subject Property is owned by the Landowner Respondent, G-R Contracting, Inc., which acquired the approximately 41.417-acre Subject Property from the Community Improvement Corporation of Noble County on January 14, 2013.
- b. The Subject Property is the subject of: 1) an October 22, 2009 administrative consent order, which was issued to Mahle Engine Components USA, Inc. and Gould Electronics Inc. (copy attached as Appendix A); and 2) an environmental covenant, which was signed by the Director of Ohio EPA on October 19, 2009, and recorded in the Noble County Recorder's Office on December 14, 2009, at volume 172, page 193, as instrument number 2009-46856 (copy attached as Appendix B).
- c. Paragraph 20 of the October 22, 2009 administrative consent order, entitled Land Use Self-Reporting Requirement, provides as follows: Respondent Mahle shall not permit the Subject Property to be used in any manner that would violate the terms of the environmental covenant or adversely affect the integrity of any containment, treatment, or monitoring systems at the Site, and shall promptly notify Ohio EPA of any violation of the terms of the environmental covenant or any such adverse effect.
- d. Section XI of the October 22, 2009 administrative consent order, entitled Access, includes paragraph 29, which provides, in pertinent part, as follows: Ohio EPA shall have access at all reasonable times to the Subject Property for the purposes of conducting any activity related to the October 22, 2009 administrative consent order, including monitoring compliance with use restrictions.
- e. Ohio EPA has provided Landowner Respondent with a map of the Subject Property (copy attached as Appendix C) that illustrates the locations of the Western Disposal Area, the Natural Resource Protection Area, and the ground water monitoring wells (including flush mount wells MW-10, MW-11, MW-12, MW-30 and PZ-10) located on the Subject Property.

#### IV. ORDERS

5. The Director of Ohio EPA hereby issues the following orders:

- a. Landowner Respondent shall comply with paragraph 20 of the October 22, 2009 administrative consent order, entitled Land Use Self-Reporting Requirement, i.e.:

Landowner Respondent shall not permit the Subject Property to be used in any manner that would violate the terms of the environmental covenant, or adversely affect the integrity of any containment (*i.e.*, Western Disposal Area soil and vegetative cover), treatment (*i.e.*, remediation system, electricity to operate the system in the space leased to Gould Electronics Inc., and sufficient heat to ensure that the temperature in the leased space is at least 45°F), or monitoring (*i.e.*, ground water monitoring wells) systems at the Subject Property, and shall promptly notify Ohio EPA (*i.e.*, Dustin Tschudy, SEDO, 740-380-5253, Dustin.Tschudy@epa.ohio.gov) of any violation of the terms of the environmental covenant or any such adverse effect.

- b. Landowner Respondent shall comply with paragraph 29 of Section XI of the October 22, 2009 administrative consent order, entitled Access, which provides, in pertinent part, as follows: Ohio EPA shall have access at all reasonable times to the Subject Property for the purposes of conducting any activity related to the October 22, 2009 administrative consent order, including monitoring compliance with the environmental covenant.
- c. Nothing in these Orders is intended to: i) affect or change the obligations of Mahle Engine Components USA, Inc. and Gould Electronics Inc. under the October 22, 2009 administrative consent order; or ii) transfer those obligations to Landowner Respondent.
- d. Nothing in these Orders is intended to change or expand upon the existing legal responsibilities and obligations of Landowner Respondent under the environmental covenant.

#### **V. EFFECTIVE DATE**

- 6. The effective date of these Orders shall be the date these Orders are entered in the Journal of the Director of Ohio EPA.

#### **VI. SIGNATORY AUTHORITY**

- 7. Each undersigned representative of a Party to these Orders certifies that he is authorized to enter into these Orders and to legally bind such Party to these Orders.

**IT IS SO ORDERED AND AGREED:**

OHIO ENVIRONMENTAL PROTECTION AGENCY



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Craig W. Butler, Director  
Ohio Environmental Protection Agency

**AUG 19 2014**

\_\_\_\_\_  
Date

**IT IS SO AGREED:**

G-R Contracting, Inc.



\_\_\_\_\_  
Gary A. Rubel, President

5/9/2014

\_\_\_\_\_  
Date

**APPENDICES**

**APPENDIX A**

October 22, 2009 Administrative Consent Order

**APPENDIX B**

December 14, 2009 Environmental Covenant

**APPENDIX C**

Map of the Former Glacier Vandervell, Inc. Facility property, including Western Disposal Area, Natural Resource Protection Area, and ground water monitoring wells