



State of Ohio Environmental Protection Agency

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CERTIFIED MAIL

April 7, 2008

Edward Gallagher
Vice President
NCR Corporation
WHQ-2E
1700 South Patterson Boulevard
Dayton, OH 45479

And

Mike Hovan
President
Edgetech I.G. Inc.
800 Cochran Avenue
Cambridge, OH 43725-9317

RE: Director's Final Findings and Orders
RCRA Corrective Measures Implementation
NCR Corporation and Edgetech I.G. Inc., Cambridge Facility, Guernsey County, Ohio

Dear Messrs. Gallagher and Hovan:

Transmitted herewith are the Final Findings and Orders (Orders) of the Director of the Ohio EPA concerning RCRA Corrective Measures Implementation for NCR Corporation and Edgetech I.G. Inc. at the Cambridge Facility in Guernsey County, Ohio. The Orders are effective today.

Please review the Orders on page (6) of the enclosure for instructions on completing the requirements for a RCRA Corrective Measures Implementation (CMI) Work Plan. The CMI Work Plan must be submitted no later than July 21, 2008.

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

If you have any questions concerning compliance with these Orders, do not hesitate to contact Dave Chenault at (740) 380-5292.

Sincerely,



David A. Sholtis, Assistant Chief
Division of Hazardous Waste Management

HS/ts

Enclosure

cc: Michael A. Savage, Chief, DHWM
Harry Sarvis, Mgr., CAS, DHWM
Fran Kovak, Legal
Heidi Griesmer, PIC
Dave Chenault, Mgr., DHWM, SEDO
Wray Blattner, Esq., Thompson Hine LLP
Daniel A. Minkler, Esq. Day Ketterer



OHIO E.P.A.
APR - 7 2008

REGISTERED DIRECTOR'S JOURNAL

**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

In the Matter of:

**NCR Corporation
1700 South Patterson Boulevard
Dayton, Ohio 45479**

and

**Edgetech I.G. Inc.
800 Cochran Avenue
Cambridge, Ohio**

Respondents.

**Director's Final
Findings and Orders**

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: *[Signature]* Date: 4-7-08

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to NCR Corporation (Respondent NCR) and Edgetech I.G. Inc. (Respondent Edgetech) (together, Respondents) pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency (Ohio EPA) under Ohio Revised Code (ORC) §§ 3734.13, 3734.20, 3745.01 and 6111.03.

II. PARTIES BOUND

These Orders shall apply to and be binding upon Respondents and successors in interest liable under Ohio law. No change in ownership of Respondents or of the Facility shall in any way alter Respondents' obligations under these Orders.

III. DEFINITIONS

Unless otherwise stated, all terms used in these Orders shall have the same meaning as defined in ORC Chapter 3734. and the rules promulgated thereunder. Whenever the terms listed below are used in these Orders or in any appendices, attached hereto and incorporated herein, the following definitions shall apply:

- a. "Day" shall mean a calendar day unless expressly stated to be a business day.
- b. "Facility" shall mean the site formerly owned by Respondent NCR located at 800 Cochran Avenue, Cambridge, Guernsey County, Ohio, U.S. EPA Identification Number OHD 001876267, currently owned by Edgetech I.G. Inc., where the treatment, storage, and/or disposal of hazardous waste, and/or the discharge into waters of the state of industrial waste or other waste has occurred, including any other area where such hazardous wastes, industrial wastes, and/or other wastes have migrated or threaten to migrate.
- c. "Ohio EPA" shall mean the Ohio Environmental Protection Agency and its designated representatives.
- d. "Parties" shall mean Respondent NCR, Respondent Edgetech, and Ohio EPA.
- e. "RCRA" shall mean the Resource Conservation and Recovery Act.
- f. "RCRA Corrective Measures Implementation" (CMI) shall mean the activities to be undertaken to implement the Site remedy identified in the Decision Document issued by Ohio EPA and any subsequent amendments.
- g. "Release" shall mean any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing of hazardous wastes or hazardous constituents into the environment.
- h. "Scope of Work" (SOW) shall mean the outline of work Respondent NCR must use to develop all workplans and reports required by these Orders as set forth in Attachment A to these Orders. All SOW Attachments and modifications or amendments thereto, are incorporated into these Orders and are an enforceable part of these Orders.

- i. "Work" shall mean any activities each Respondent is required to perform to comply with the requirements of these Orders and its Attachment(s) as described below.

IV. FINDINGS

All of the findings necessary for the issuance of these Orders pursuant to ORC §§ 3734.13 and 3745.01 have been made and are outlined below. Nothing in the findings shall be considered to be an admission by Respondents of any matter of law or fact. The Director of Ohio EPA has determined the following findings:

1. Respondents are each a "person" as defined in ORC §§ 3734.01(G) and 6111.01(I), and Ohio Administrative Code (OAC) rule 3745-50-10(A).
2. Respondent NCR is a Maryland corporation first registered to do business in Ohio on March 25, 1926.
3. Respondent Edgetech is an Ohio corporation incorporated on May 23, 1994.
4. Respondent Edgetech owns and operates the Facility, where Respondent Edgetech manufactures components for insulated windows and doors.
5. Respondent NCR operated the Facility located at 800 Cochran Avenue, Cambridge, Guernsey County, Ohio, from 1965 until 1991. The Facility is located on 58 acres and is surrounded by single-family residential areas to the north, south and east. The area to the west is a mixture of single family residences and medium industrial facilities. Leatherwood Creek is approximately 900 feet north of the Site and Wills Creek is located 900 feet to the south of the Facility. Respondent NCR manufactured point-of-sale retail terminals, printed circuit boards for cash registers, terminals and scanners. Respondent NCR no longer owns or operates the Facility.
6. AT&T Corp. purchased all outstanding shares of NCR and operated NCR as a wholly-owned subsidiary from 1991 through 1996. In 1994, NCR's name was changed to AT&T Global Information Solutions Company (AT&T GIS). In 1994, AT&T GIS sold the site to Lauren Manufacturing Company. Lauren's subsidiary, Edgetech I.G. Inc. currently operates at the Site. In January 1996, AT&T GIS changed its name back to NCR Corporation. On January 1, 1997, AT&T Corp. distributed all of its shares of NCR to AT&T Corp.'s shareholders.
7. In 1968, Respondent NCR constructed two surface impoundments at the Facility which were used as settling ponds for electroplating wastewater sludge. The wastewater sludge was identified as a listed hazardous waste (F006).

8. On August 20, 1980, Respondent NCR filed a notification of hazardous waste activity with U.S. EPA pursuant to Section 3010 of RCRA. On November 18, 1980, Respondent NCR filed a Part A permit application with U.S. EPA pursuant to Section 3005 of RCRA, thereby meeting the requirements for interim status.
9. In May 1992, Respondent NCR ceased manufacturing operations at the Site. In August 1992, Respondent NCR performed a generator closure for the less than 90-day drum accumulation unit and the less than 90-day sludge accumulation unit, located just north of the surface impoundments.
10. On April 2, 1998, Respondent NCR and Ohio EPA entered into Final Findings and Orders. The Orders required Respondent NCR to conduct, subject to Ohio EPA's oversight and approval, a RCRA Facility Investigation (RFI) and a Corrective Measures Study (CMS).
11. On December 23, 2002, Respondent NCR submitted a draft RFI Report to Ohio EPA. Ohio EPA provided written comments to Respondent NCR on March 25, 2003.
12. Respondent NCR submitted the final RFI Report to Ohio EPA on July 21, 2003. The RFI Report provides a comprehensive assessment of environmental conditions at and around the Site.
13. Upon Ohio EPA approval of its Corrective Measures Study Work Plan, Respondent NCR submitted a preliminary draft CMS to Ohio EPA on October 1, 2004.
14. Following revision of the CMS pursuant to Ohio EPA comments on the preliminary draft, a public meeting on the CMS was held on December 8, 2005. Respondent NCR submitted the final RCRA CMS to Ohio EPA on March 3, 2006. The CMS was approved by Ohio EPA on April 26, 2006. The Director's Final Findings and Orders of April 2, 1998 were terminated on May 22, 2006.
15. Based on the information gathered and analyzed in the RFI/CMS, on May 19, 2006, Ohio EPA selected the remedy for the Facility in a Decision Document, which described the selected remedial options.
16. The Site is a hazardous waste facility, solid waste facility, or other location where hazardous waste was treated, stored, or disposed. There is or has been a release of hazardous waste or hazardous waste constituents into the soil and groundwater from the Facility.

17. Organic Chemicals which were managed at the NCR Facility include: trichloroethylene (TCE); 1,1,1- or 1,1,2-Trichloroethane (TCA); Toluene; Dichloromethane; Methylene Chloride; and 2,2,2 Trifluoroethane .
18. Because of their quantity, concentration, or physical or chemical characteristics, the Director has determined that halogenated volatile organic compounds and other contaminants found at the Site are "hazardous wastes" as defined under Section 3734.01(J) of the Ohio Revised Code.
19. Halogenated volatile organic compounds and other contaminants found at the Site are "industrial wastes" or "other wastes" as defined under Section 6111.01 of the Ohio Revised Code.
20. The ground water and surface water at the Site are "waters of the state" as defined under Section 6111.01(H) of the Ohio Revised Code.
21. Conditions at the Facility may constitute a substantial threat to public health or safety or are causing or contributing or threatening to cause or contribute to air or water pollution or soil contamination.

V. GENERAL PROVISIONS

Each Respondent shall perform the Work in accordance with these Orders, including but not limited to, the SOW(s), relevant guidance documents, and all standards, specifications, and schedules set forth in or developed pursuant to these Orders, as described below.

All activities undertaken by each Respondent pursuant to these Orders shall be performed in accordance with the requirements of all applicable federal and state laws and regulations. Nothing in these Orders shall be construed as waiving or compromising in any way the applicability and enforcement of any other statutes or regulations applicable to Respondents' ownership or operation of the Facility.

Where any portion of the Work requires a permit or approval, the Respondent performing that portion of the Work shall timely submit applications and take all other actions necessary to obtain such permits or approval. These Orders are not, and shall not be construed to be, a permit issued pursuant to any statute or regulation. Ohio EPA shall use its best efforts to promptly consider and decide upon permit applications which either Respondent may be required to submit pursuant to the Work required to be performed under these Orders.

All Work performed pursuant to these Orders shall be under the direction and supervision of a contractor/project manager or an employee of Respondent NCR with expertise in hazardous waste site investigation and remediation.

VI. ORDERS

Respondents shall achieve compliance with Chapter 3734. of the ORC and the regulations promulgated thereunder according to the following compliance schedule:

1. Within ninety (90) days after the effective date of these Orders, Respondent NCR shall submit to Ohio EPA for its review and comment a Work Plan for implementation of the CMI.
 - a. The CMI Work Plan shall be developed in conformance with the site-specific SOW and the guidance documents listed in Attachment A to these Orders, attached hereto and incorporated herein unless the Parties mutually agree otherwise. If Ohio EPA or Respondent NCR determine that any additional or revised guidance documents in use by Ohio EPA or U.S. EPA after the effective dates of these Orders affect the Work to be performed in implementing the CMI, the Party discovering the new guidance shall notify the other in writing, and the affected documents shall be modified as appropriate.
 - b. Ohio EPA will review the CMI Work Plan and provide comments to Respondents. Within 30 days of receipt of Ohio EPA's comments on the CMI Workplan, Respondent NCR shall submit a new or revised CMI Workplan that incorporates Ohio EPA's comments. Ohio EPA shall approve or modify and approve, in writing, the amended or new CMI Workplan. The CMI Workplan, as approved or as modified and approved, shall be incorporated in and made an enforceable part of these Orders.
 - c. The approved CMI Workplan shall be implemented in accordance with the terms, conditions and schedules contained therein. Subsequent changes to the approved CMI Workplan must be authorized by Ohio EPA.
 - d. Within 30 days after receiving approval of the CMI Workplan, Respondent NCR shall provide financial assurance in the amount necessary to implement the corrective measure(s) as required by OAC rule 3745-54-101(B) and (C).
2. Should either Respondent identify any inconsistency between any of the laws and regulations and guidance documents which it is required to follow by these Orders, Respondent shall promptly notify Ohio EPA in writing of each inconsistency and the effect of the inconsistencies upon the Work to be performed. Respondent shall also recommend, along with a supportable rationale justifying each recommendation, the requirement Respondent believes should be followed. Respondent shall implement the affected Work as directed by Ohio EPA.

3. Additional Work

- a. Ohio EPA may determine that in addition to the tasks defined in the CMI Workplan, additional work may be necessary to accomplish the objectives of these Orders as set forth in this Section of these Orders.
 - b. Within 30 days after receipt of written notice from Ohio EPA that additional work is necessary, the Respondent obligated to perform such work shall submit a work plan for the performance of the additional work. The work plan, as approved by Ohio EPA, shall be incorporated in and made an enforceable part of these Orders. Upon approval of the work plan by Ohio EPA, Respondent NCR and/or Respondent Edgetech, as appropriate, shall implement the work plan for additional work in accordance with the schedules contained therein.
4. Respondent NCR shall provide a copy of these Orders to all contractors, subcontractors, laboratories and consultants retained to perform any portion of the work pursuant to these Orders. Respondent NCR shall ensure that all contractors, subcontractors, laboratories and consultants retained to perform work pursuant to these Orders comply with the provisions of these Orders.
5. For the duration of these Orders, Respondents shall use reasonable best efforts to assure that no portion of the Site will be used in any manner which would adversely affect the integrity of any corrective measures, including monitoring systems, at the Site. Respondent Edgetech and/or Respondent NCR shall promptly notify Ohio EPA by registered mail of any conveyance of any interest in real property which is known to comprise the Site of which it has actual knowledge. Respondents' notice shall include the name and address of the grantee and a description of the provisions made for continued maintenance of containment and monitoring systems. In no event shall the conveyance of any interest in the property that includes, or is a portion of, the Site, release or otherwise affect the liability of Respondents to comply with these Orders. In the alternative, Respondent Edgetech, along with its prospective buyer, may provide such notice to Ohio EPA in advance of any conveyance of any interest in real property which is known to comprise the Site and request modification of these Orders pursuant to Section XVII, in order to transfer Respondent Edgetech's obligations under these Orders to the prospective buyer.

VII. TERMINATION

Respondents' obligations under these Orders shall terminate when each Respondent certifies in writing and demonstrates to the satisfaction of Ohio EPA that the Respondent has performed all of its obligations under these Orders and Ohio

EPA's Division of Hazardous Waste Management acknowledges, in writing, the termination of these Orders relative to that Respondent. If Ohio EPA does not agree that all obligations have been performed, then Ohio EPA will notify Respondent(s) of the obligations that have not been performed, in which case Respondent(s) shall have an opportunity to address any such deficiencies and seek termination as described above.

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

This certification shall be submitted by Respondent(s) to Ohio EPA and shall be signed by a responsible official of each Respondent. For purposes of these Orders, a responsible official is a corporate officer who is in charge of a principal business function of Respondent. The termination of these Orders shall not affect the terms and conditions of Section VIII, Other Claims, Section XII, Reservation of Rights, Section XIII, Indemnity, and Section XVI, Waiver and Agreement.

VIII. OTHER CLAIMS

Nothing in these Orders shall constitute or be construed as a release from any claim, cause of action or demand in law or equity against any person, firm, partnership or corporation, not a party to these Orders, for any liability arising from, or related to, the operation of Respondents or of the Facility.

IX. OTHER APPLICABLE LAWS

All actions required to be taken pursuant to these Orders shall be undertaken in accordance with the requirements of all applicable local, state and federal laws and regulations. These Orders do not waive or compromise the applicability and enforcement of any other statutes or regulations applicable to Respondents.

X. MODIFICATIONS

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

XI. NOTICE

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

Ohio Environmental Protection Agency
Southeast District Office
Division of Hazardous Waste Management
2195 Front Street
Logan, Ohio 43138
Attn: DHWM Manager

and Ohio EPA Central Office at the following addresses:

For mailings, use the post office box number:

Chris Korleski, Director
Ohio Environmental Protection Agency
Lazarus Government Center
Division of Hazardous Waste Management
P.O. Box 1049
Columbus, Ohio 43216-1049
Attn: Manager, Compliance Assurance Section

For deliveries to the building:

Chris Korleski, Director
Ohio Environmental Protection Agency
Lazarus Government Center
Division of Hazardous Waste Management
50 West Town Street
Columbus, Ohio 43215
Attn: Manager, Compliance Assurance Section

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

Any report or other document submitted by either Respondent pursuant to these Orders, which make any representation concerning such Respondent's compliance or noncompliance with any requirement of these Orders, shall be signed and certified by a responsible official of that Respondent in accordance with OAC rule 3745-50-58(K). For purposes of these Orders, a responsible official is a corporate officer who is in charge of a principal business function of Respondent, or a duly authorized representative.

XII. ACCESS

1. Respondent Edgetech shall provide Ohio EPA and Respondent NCR with access at all times to the Site and any other property to which access is required for the implementation of these Orders, to the extent access to the property is controlled by Respondent Edgetech. Access under these Orders shall be for the purposes of conducting any activity related to these Orders including, but not limited to the following:
 - a. Performing the Work;
 - b. Monitoring the Work;
 - c. Inspecting and copying records, operating logs, contracts, and/or other documents related to the implementation of these Orders;
 - d. Conducting sampling, investigations and/or tests related to the implementation of these Orders; and
 - e. Verifying any data and/or other information submitted to Ohio EPA.
2. To the extent that the Site or any other property to which access is required for the implementation of these Orders is owned or controlled by persons other than Respondents, Respondent NCR shall use its best efforts to secure from such persons access for Respondents and the Ohio EPA as necessary to effectuate these Orders. Copies of all access agreements obtained by Respondent NCR shall be provided promptly to Ohio EPA. If any access required to effectuate these Orders is not obtained within thirty (30) days of the effective date of these Orders, or within thirty (30) days of the date Ohio EPA notifies Respondent NCR in writing that additional access beyond that previously secured is necessary, Respondent NCR shall promptly notify the Ohio EPA in writing of the steps Respondent NCR has taken to attempt to obtain access. Ohio EPA may, as it deems appropriate, assist Respondent NCR in obtaining access.
3. Notwithstanding any provision of these Orders, the State of Ohio retains all of its access rights and authorities, including enforcement authorities related thereto, under any applicable statute or regulations.

XIII. DISPUTE RESOLUTION

1. NCR and Ohio EPA shall, whenever possible, operate by consensus. In the event that there is a dispute about the adequacy of any work plan, report, or other item required to be submitted pursuant to these Orders, Respondent NCR

and Ohio EPA shall have seven (7) days from the date the dispute arises to reduce their positions to writing. The dispute shall be considered to have arisen when one Party notifies the other Party in writing that it is invoking the dispute resolution procedures of this Section. The written positions shall include the technical rationale supporting the Party's position and shall be exchanged by the Parties. This seven (7) day period for the exchange of written positions may be extended by mutual agreement of the Parties. Such agreement shall not be unreasonably withheld.

2. Following the exchange of written positions, the Parties shall have an additional seven (7) days to resolve the dispute. If Ohio EPA concurs with the position of Respondent NCR, then the work plan, report, or other item required to be submitted pursuant to these Orders shall be modified accordingly.
3. If Ohio EPA does not concur with Respondent NCR, Ohio EPA will resolve the dispute based upon and consistent with these Orders, the SOW, and other appropriate federal and state laws and regulations. The pendency of a dispute under this Section shall not affect the time period for completion of the Work, except that upon mutual agreement of the Parties, any time period may be extended as appropriate under the circumstances. Such agreement shall not be unreasonably withheld by Ohio EPA. Elements of the Work not affected by the dispute shall be completed in accordance with applicable schedules and timeframes.

XIV. RESERVATION OF RIGHTS

Ohio EPA and Respondents each reserve all rights, privileges and causes of action, except as specifically waived in Section XVI. of these Orders.

XV. INDEMNITY

Respondents shall each indemnify, save, and hold harmless Ohio EPA from any and all claims or causes of action arising from, or related to, events or conditions at the Facility for which Respondents are individually liable. Ohio EPA shall provide notice to Respondents within 30 days of receipt of any claim which may be the subject of indemnity as provided in this Section, and to cooperate with Respondents in the defense of any such claim or action against Ohio EPA. Ohio EPA shall not be considered a party to and shall not be held liable under any contract entered into by Respondents in carrying out the activities pursuant to these Orders. Consistent with federal, state and common law, nothing in these Orders shall render Respondents liable to indemnify Ohio EPA for any tortious conduct of Ohio EPA occurring outside of

Ohio EPA's exercise of its discretionary functions. Discretionary functions of Ohio EPA include, but are not limited to, Ohio EPA's review, approval or disapproval of Work performed pursuant to these Orders. Respondents and Ohio EPA will cooperate in the defense of any claim or action against Ohio EPA which may be subject to this indemnity.

XVI. UNAVOIDABLE DELAY

Respondents shall cause all Work to be performed in accordance with applicable schedules and time frames unless any such performance is prevented or delayed by an event which constitutes an unavoidable delay. For purposes of these Orders, an "unavoidable delay" shall mean an event beyond the control of Respondents which prevents or delays performance of any obligation required by these Orders and which could not be overcome by due diligence on the part of Respondents. Increased cost of compliance shall not be considered an event beyond the control of Respondents.

Respondents shall notify Ohio EPA in writing within 5 days after the occurrence of an event which Respondents contends is an unavoidable delay. Such written notification shall describe the anticipated length of the delay, the cause or causes of the delay, the measures taken and to be taken by Respondents to minimize the delay, and the timetable under which these measures will be implemented. Respondents shall have the burden of demonstrating that the event constitutes an unavoidable delay.

If Ohio EPA does not agree that the delay has been caused by an unavoidable delay, Ohio EPA will notify Respondents in writing. Ohio EPA reserves the right to terminate these Orders, perform any additional remediation and/or enforce the terms of these Orders in the event that Ohio EPA determines that the delay has not been caused by an unavoidable delay. If Ohio EPA agrees that the delay is attributable to an unavoidable delay, Ohio EPA will notify Respondents in writing of the length of the extension for the performance of the obligations affected by the unavoidable delay.

XVII. EFFECTIVE DATE AND SUBSEQUENT MODIFICATION

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

These Orders may be modified by mutual agreement of the Parties. Modifications shall be in writing and shall be effective on the date entered in the Journal of the Director of Ohio EPA.

XVIII. WAIVER AND AGREEMENT

In order to resolve disputed claims, without admission of fact, violation, or liability, Respondents agree that these Orders are lawful and reasonable, and agrees to perform all actions in accordance with or as required by these Orders. Respondents consent to and agree not to contest Ohio EPA's jurisdiction to issue and enforce these Orders,

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

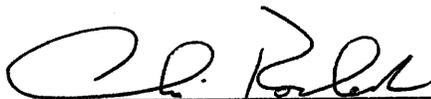
Notwithstanding the limitations herein on Respondents' right to appeal or seek administrative or judicial review, Ohio EPA and Respondents agree that in the event that these Orders are appealed by any other third party to the Environmental Review Appeals Commission, or any court, Respondents retain the right to intervene and participate in such appeal. In such event, Respondents shall continue to comply with these Orders notwithstanding such appeal and intervention unless these Orders are stayed, vacated or modified.

XIX. SIGNATORY AUTHORITY

Each undersigned representative of a party to these Orders certifies that he or she is fully authorized to enter into these Orders and to legally bind such party to these Orders.

IT IS SO ORDERED AND AGREED:

Ohio Environmental Protection Agency



Chris Korleski
Director

APR 07 2008

Date

IT IS SO AGREED:

NCR Corporation

Edward GMM
Signature

Feb. 29, 2008
Date

Edward Gallagher
Printed or Typed Name

Law Vice President
Title

Edgetech I.G. Inc.

Michael B. Hovan
Signature

March 6, 2008
Date

Michael B. Hovan
Printed or Typed Name

President, Edgetech I.G. Inc.
Title

ATTACHMENT A

CORRECTIVE MEASURES IMPLEMENTATION SCOPE OF WORK

PURPOSE

This Scope of Work ("SOW") sets forth the requirements for the implementation of the design, construction, operation, maintenance, and monitoring of the corrective measure or measures pursuant to the Director's Final Findings and Orders (Orders) to which this SOW applies. The work performed under this Order will implement the corrective measures that have been approved by Ohio EPA in the Final Decision and Response to Comments ("FDRTC") and any amendments thereto. The Respondent NCR will furnish all personnel, materials, and services necessary for the implementation of the corrective measure or measures.

SCOPE

The Corrective Measures Implementation consists of four tasks:

Task I: Corrective Measures Implementation Work Plan

- A. Management Plan
- B. Preliminary Design Plan

Task II: Corrective Measure Design

- A. Design Plans and Specifications
- B. Operation and Maintenance Plan
- C. Health and Safety Plan
- D. Sampling and Analysis Plan/Performance Monitoring Plan

Task III: Corrective Measure Construction

Task IV: Progress Reports

- A. Quarterly Progress Reports of Corrective Measures Implementation
- B. Annual Progress Reports
- C. 5-Year Report

Further specifications of the work outlined in this SOW will be provided in the Corrective Measures Implementation Work Plan and subsequent plans to be reviewed and approved by EPA. Variations from the SOW will be made, if necessary, to fulfill the objectives of the Corrective Measures set forth in the FDRTC and any amendments thereto.

Additional studies may be needed as part of the Corrective Measures Implementation to supplement the available data. At the direction of EPA for any such studies required, the Respondent NCR shall furnish all services, including field work, materials, supplies, plant, labor, equipment, investigations, and superintendence. Sufficient sampling, testing and analysis shall be performed to optimize the operation of the required treatment, disposal, containment and/or monitoring system.

TASK I: CORRECTIVE MEASURE IMPLEMENTATION WORK PLAN

The Respondent NCR shall prepare a Corrective Measure Implementation ("CMI") Work Plan. The CMI Work Plan shall outline the design, construction, operation, maintenance and monitoring of all actions taken to implement the Corrective Measures as defined in the Order and the FDRTC and any amendments thereto. This CMI Work Plan will include the development and implementation of several plans, which require concurrent preparation. It may be necessary to revise plans as necessary during the performance of this Order. The CMI Work Plan shall include the following:

- A. Management Plan - The Respondent NCR shall prepare a Management Plan which will address the following items, as necessary and appropriate:
1. Documentation of the overall management strategy for performing the design, construction, operation, maintenance, and monitoring of corrective measure(s);
 2. Description of the responsibility and authority of all organizations and key personnel involved with the implementation;
 3. Description of the qualifications of key personnel directing the CMI, including contractor personnel;
 4. An outline of proposed field activities necessary to complete the CMI Design including proposed locations of groundwater monitoring wells;
 5. A description of how the conceptual design is expected to meet the technical requirements of the FDRTC and any amendments thereto; and
 6. Schedule of work including sequence of activities to be performed during the CMI and proposed timing for submittals required during the CMI.
- B. Preliminary CMI Design Plan - The Respondent NCR shall submit the Preliminary CMI Design Plan when the design effort is approximately 30% complete. At this stage the Respondent NCR shall have field verified the existing conditions of the facility. The preliminary design plan shall reflect a level of effort such that the specifications may be reviewed to determine if the final design will provide effective, operable and usable corrective

measures. Supporting data and documentation shall be provided with the design documents defining the functional aspects of the program. The 30% construction drawings shall reflect organization and clarity

TASK II: CORRECTIVE MEASURE DESIGN

The Respondent NCR shall prepare a final design report including specifications and a construction plan to implement the corrective measures at the facility as set forth in the FDRTC and any amendments thereto.

A. Design Plans and Specifications - The Respondent NCR shall develop clear and comprehensive design plans and specifications which include, but are not limited to, the following

1. Discussion of the design strategy and the design basis, including: (a) compliance with all applicable or relevant environmental and public health standards; (b) minimization of environmental and public health impacts, and; (c) updated schedules, if necessary, from commencement through completion of construction of the CMI.
2. Discussion of the technical factors of importance including: (a) use of currently accepted environmental control measures and technology; (b) the constructability of the design, and; (c) use of currently accepted construction practices and techniques.
3. Description of models and assumptions made and detailed justification of these assumptions.
4. Detailed drawings of the proposed design.
5. Tables listing equipment and specifications;
6. Appendices including: (a) sample calculations (one example presented and explained clearly for significant or unique design calculations); (b) results of laboratory or field tests; (c) list of specifications to be provided in full in the Final Design submittal, and; (d) list (and outline/table of contents) of documents and plans to be prepared and submitted with Final Design.
7. Real Estate Easements, Environmental Covenant, and permit requirements, if any. Note that excavation restrictions will not be required in an environmental covenant at the Site as all soils less than 5 feet deep meet current Site worker and excavation risks limits. Further, deeper soils meet risk based limits for short-term exposure encountered during excavations (120 days per year for 2 years).

B. Operation and Maintenance Plan - The Respondent NCR shall prepare or revise the Operation and Maintenance ("O&M ") Plan to cover both the implementation and long term maintenance of the corrective measure(s). The O&M Plan shall identify and describe the processes to occur, submissions required during O&M, and schedule for O&M activities consistent with remedial objectives set forth in the FDRTC and any amendments thereto. The O&M Plan shall include, but not be limited to the following elements:

1. Description of routine O&M including tasks required to operate and maintain treatment systems or other components of corrective measures and a schedule showing frequency and duration of each O&M task.
2. Description of potential operating problems including the procedures to be used to analyze and diagnose potential operation problems, sources of information retarding problems, and common or anticipated trouble-shooting steps and remedies.
3. Description of routine monitoring and laboratory testing including a description of specific monitoring tasks required for the corrective measures, a description of required laboratory tests and their interpretation/reporting, a description of required QA/QC activities and, a schedule of monitoring frequency and date, if appropriate, when monitoring may cease.
4. Safety plan including description of precautions for specific equipment, etc., for site personnel and, safety tasks required in the event of systems failure.
5. Description of equipment including the identification, layout and installation of monitoring components, maintenance of site equipment and, replacement schedule for equipment and installed components.
6. Records and reporting mechanisms including operating logs, inspections, laboratory records and test results, operating and maintenance cost records, mechanism for reporting emergencies, personnel and maintenance records, and progress reports to State and Federal agencies.

C. Health and Safety Plan - The Respondent NCR shall prepare a Health and Safety Plan to address all work to be performed at the facility to implement the corrective measures set forth in the FDRTC.

D. Sampling and Analysis Plan/Performance Monitoring Plan - Respondent NCR shall update the Sampling and Analysis Plan, including the QAPjP as necessary and appropriate, to reflect changes in the following: responsibility and authority; personnel qualifications; inspection activities; sampling requirements; and, documentation and reporting. Additional revisions shall be made, or a separate document prepared (Performance Monitoring Plan) to describe the performance monitoring program that will be used to measure the effectiveness of the corrective measures set forth in the FDRTC. The performance monitoring plan shall describe all sampling, monitoring, data analysis and reporting activities that will be

completed to demonstrate the effectiveness of the corrective measures.

TASK III: CORRECTIVE MEASURE CONSTRUCTION

Following EPA approval of the Final CMI Design Report, the Respondent NCR shall implement construction in accordance with procedures, specifications, and schedules in the EPA-approved Final CMI Design Report and the EPA approved CMI Work Plan. During the Construction Phase, Respondent NCR will continue to submit periodic progress reports (Task IV). The Respondent NCR shall also implement the elements of the approved Sampling and Analysis Plan and O&M plan, as necessary and appropriate.

Upon completion of construction and an initial period of performance monitoring, and in accordance with the schedule included in the EPA-approved CMI Work plan and the EPA-approved Final CMI Design Report, Respondent NCR will prepare and submit a CMI Report. The CMI Report shall describe activities performed during construction, provide actual specifications of the implemented remedy, and provide a preliminary assessment of CMI performance. The CMI Report shall include, but not be limited to, the following elements:

1. Synopsis of the corrective measure and certification of the design and construction;
2. Explanation of any modifications to the EPA-approved construction and/or design plans and why these were necessary for the project;
3. Listing of the criteria, established in the EPA-approved CMI Work Plan, for judging whether the corrective measure is functioning properly, and also explaining any modification to these criteria;
4. Certification by registered professional engineer that the construction is complete, consistent with contract documents and the EPA-approved Final CMI Design;

This report should include a summary of the Field log book, any problem identification and correction, photographic records, deviations from design and material specifications (with justifying documentation), and as-built drawings.

TASK IV: PROGRESS REPORTS

The Respondent NCR shall prepare plans, drawings, specifications, and reports as set forth in Tasks I through III to document the design, construction, operation, maintenance, and monitoring of the corrective measure. The documentation shall include, but not be limited to the following:

- A. Quarterly Progress Reports of Corrective Measures Implementation - Until the Corrective Measures have been installed, the Respondent NCR shall provide the EPA with signed, quarterly progress reports containing:

1. A description of the work performed during the preceding monitoring interval and estimate of the percentage of the Corrective Measures Implementation completed;
2. Summaries of all findings;
3. Summaries of all changes made in the CMI during the reporting period;
4. Summaries of all contacts with representatives of the local community, public interest groups, or State government during the reporting period;
5. Problems encountered and any actions taken to rectify problems;
6. Changes in personnel during the reporting period;
7. Projected work for the next reporting period; and
9. Copies of daily reports, inspection reports, laboratory/monitoring data, etc.

B. Annual Progress Reports - Once the Corrective Measures have been installed, the Respondent NCR shall provide EPA with signed annual progress reports and/or Corrective Measures Assessment Reports containing:

1. A narrative summary of principal activities conducted during the reporting period;
2. Graphical or tabular presentations of monitoring data, including but not limited to groundwater levels and flow direction, and groundwater quality;
3. A schedule of sampling and field activities to be performed and reported in the following year, and
4. A Corrective Measures Assessment Report assessing the performance of the corrective measures over time. The Assessment Report shall include:

- a. Summarized data representing corrective measure performance;
- b. Any proposed changes to the corrective measure and summary of previous changes;
- c. Iso-concentration maps for each contaminant of concern listed in the FDRTC, and,
- d. Statistical assessment of the progress of the corrective measure towards achievement of media clean-up standards.

C Five-Year Report - In lieu of every fifth annual report, the Respondent NCR shall provide EPA with signed Five-Year Corrective Measures Progress Reports containing:

1. All items required for the Annual Progress Reports, and
2. In depth analysis of the Corrective Measures Implementation including:
 - a. Complete re-assessment of models, plans and goals used by the CMI process,
 - b. Any changes and/or additions to the existing systems that may be required to meet CMI goals.
 - c. When appropriate, notification that corrective actions media cleanup standards have achieved.