

## APPENDIX D

### FACILITY SPECIFIC SCOPE OF WORK FOR A CORRECTIVE MEASURES IMPLEMENTATION THE SCOTTS COMPANY, MARYSVILLE, OHIO

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## **SCOPE OF WORK FOR A CORRECTIVE MEASURES IMPLEMENTATION**

### **Introduction**

The purpose of the Corrective Measures Implementation (CMI) portion of Ohio EPA's Corrective Action process is to design, construct, operate, maintain and monitor the performance of the corrective measure(s) proposed by the regulated entity and approved by Ohio EPA. Thus far in the Corrective Action Program (CAP), the CMI process generally entailed a conceptual design phase for the selected remedy, a detailed review of intermediate plans and specifications by the implementing agency, and the development of final plans and specifications.

The CAP encourages implementing agencies to make the process more flexible and streamlined. Intermediate design plans may or may not be required at specific design points (30, 50, 60, 90, and/or 95% are given as examples). Other sections may be combined or eliminated. Ohio EPA may consider other approaches to expedite the process and initiate implementation of corrective measure(s) more effectively.

As discussed in Chapter II of the federal RCRA Corrective Action Plan (OSWER Directive 9902.3-2A May 1994, Final), one such approach involves initiating Interim/stabilization measures (ISMs) prior to the CMI. Plans submitted for ISMs (e.g., health and safety plans, public involvement plans) may be used or updated during the CMI, particularly since ISMs should be compatible with final corrective measures. In most cases this will be true, with the only changes being an expansion/adjustment of the ISMs to constitute a final remedy.

Another approach to expedite the CMI process involves setting final remedial (or stabilization) media clean-up standards but not specifying the process by which the standards would be attained. This performance-based approach should lower oversight by Ohio EPA and promote faster, more effective cleanup.

**Purpose**

The purpose of the Corrective Measures Implementation (CMI) program is to design, construct, operate, maintain and monitor the performance of the corrective measure or measures approved by the implementing agency. Corrective measures are intended to protect human health and/or the environment from releases from the facility. Scotts will furnish all personnel, materials and services necessary to implement the corrective measures program.

**Scope**

The documents required for Corrective Measures Implementation are, unless Ohio EPA specifies otherwise, a Conceptual Design, Operation and Maintenance Plan, Intermediate Plans and Specifications, Final Plans and Specifications, Construction Workplan, Construction Completion Report, Corrective Measure Completion Report, Health and Safety Plan, Public Involvement Plan, and Progress Reports. The scope of work (SOW) for each document is specified below. The SOWs are intended to be flexible documents capable of addressing both simple and complex site situations. If Scotts can justify, to the satisfaction of Ohio EPA, that a plan and/or report or portions thereof are not needed in the given site-specific situation, then Ohio EPA may waive that requirement.

Ohio EPA may require Scotts to conduct additional studies beyond what is discussed in the SOWs in order to support the CMI program. Scotts will furnish all personnel, materials and services necessary to conduct the additional tasks to the extent needed to accomplish the objectives of the Consent Order.

### **Task I: Conceptual Design (15% Design Point)**

Scotts shall prepare a Conceptual Design (CD) that clearly describes the size, shape, form, and content of the proposed corrective measure; the key components or elements that are needed; the designer's vision of the corrective measure in the form of conceptual drawings and schematics; and the procedures and schedules for implementing the corrective measure(s). It should be noted that more than one conceptual design may be needed in situations where there is a complex site with multiple technologies being employed at different locations. Ohio EPA may require approval of the CD prior to implementation. The CD must, at a minimum, include the following elements:

- A. **Introduction/Purpose:** Describe the purpose of the document and provide a summary description of the project.
- B. **Corrective Measures Objectives:** Discuss the corrective measure objectives including applicable media cleanup standards.
- C. **Conceptual Model of Contaminant Migration:** Present a conceptual model of the site and contaminant migration. The conceptual model consists of a working hypothesis of how the contaminants may move from the release source to the receptor population. The conceptual model is developed by looking at the applicable physical parameters (e.g., water solubility, density, Henry's Law Constant, etc.) for each contaminant and assessing how the contaminant may migrate given the existing site conditions (geologic features, depth to groundwater, etc). Describe the phase (water, soil, gas, non-aqueous) and location where contaminants are likely to be found. This analysis may have already been done as part of earlier work (e.g., Current Conditions Report). If this is the case, then provide a summary of the conceptual model with a reference to the earlier document.
- D. **Description of Corrective Measures:** Considering the conceptual model of contaminant migration, qualitatively describe what the corrective measure is supposed to do and how it will function at the facility. Discuss the feasibility of the corrective measure and its ability to meet the corrective measure objectives.
  - i. **Data Sufficiency:** Review existing data needed to support the design effort and establish whether or not there is sufficient accurate data available for this purpose. Scotts must summarize the assessment findings and specify any additional data needed to complete the corrective measure design. Ohio EPA may require or Scotts may propose that sampling and analysis plans and/or treatability study workplans be developed to obtain the additional data. Submittal times for any new sampling and analysis plans and/or treatability study workplans will be determined by Ohio EPA and will be included in the project schedule.
- E. **Project Management:** Describe the management approach including levels of authority and responsibility (include organization chart), lines of communication and the qualifications of key personnel who will direct the corrective measure design and the implementation effort (including contractor personnel).

- F. *Project Schedule:*** The project schedule must specify all significant steps in the process and when all CMI deliverables (e.g., Operation and Maintenance Plan, Corrective Measure Construction Workplan, etc.) are to be submitted to Ohio EPA.
- G. *Design Criteria:*** Specify performance requirements for the overall corrective measure and for each major component. Scotts must select equipment that meets the performance requirements.
- H. *Design Basis:*** Discuss the process and methods for designing all major components of the corrective measure. Discuss the significant assumptions made and possible sources of error. Provide justification for the assumptions.
- i. Conceptual Process/Schematic Diagrams.
  - ii. Site plan showing preliminary plant layout and/or treatment area.
  - iii. Tables listing number and type of major components with approximate dimensions.
  - iv. Tables giving preliminary mass balances.
  - v. Site safety and security provisions (e.g., fences, fire control, etc.).

- I. **Waste Management Practices:** Describe the wastes generated by the construction of the corrective measure and how they will be managed. Also discuss drainage and indicate how rainwater run-off will be managed.
- J. **Required Permits:** List and describe the permits needed to construct and operate the corrective measure. Indicate on the project schedule when the permit applications will be submitted to the applicable agencies and an estimate of the permit issuance date.
- K. **Long-Lead Procurement Considerations:** Scotts shall prepare a list of any elements or components of the corrective measure that will require custom fabrication or for some other reason why the items are considered long-lead items, the length of time necessary for procurement, and the recognized sources of such procurement.
- L. **Appendices including:**
  - i. Design Data - tabulations of significant data used in the design effort;
  - ii. Equations - list and describe the source of major equations used in the design process;
  - iii. Sample Calculations - Present and explain one example calculation for significant or unique design calculations; and
  - iv. Laboratory or Field Test Results.

### **Task II: Operation and Maintenance Plan**

Scotts shall prepare an Operation and Maintenance (O&M) Plan that outlines procedures for performing operations, long-term maintenance, and monitoring of the corrective measure. A draft O&M Plan shall be submitted to the implementing agency simultaneously with the draft Plans and Specifications (see III). A final O&M Plan shall be submitted to the implementing agency simultaneously with the final Plans and Specifications. The O&M Plan shall, at a minimum, including the following elements:

- A. **Introduction/Purpose:** Describe the purpose of the document and provide a summary description of the project.
- B. **Project Management:** Describe the management approach including levels of authority and responsibility (include organization chart), lines of communication and the qualifications of key personnel who will operate and maintain the corrective measures (including contractor personnel).
- C. **System Description:** Describe the corrective measure and identify significant equipment.
- D. **Personnel Training:** Describe the training process for O&M personnel. Scotts shall prepare, and include in the technical specifications governing treatment systems, the contractor requirements for providing: appropriate service visits by experienced personnel to supervise the installation, adjustment, start-up and

operation of the treatment systems, and training covering appropriate operational procedures once the start-up has been successfully accomplished.

- E. *Start-up Procedures:*** Describe system start-up procedures including any operational testing.
  
- F. *O&M Procedures:*** Describe normal operation and maintenance procedures including:
  - i. Description of tasks for operation;
  - ii. Description of tasks for maintenance;
  - iii. Description of prescribed treatment or operation conditions; and
  - iv. Schedule showing frequency of each O&M task.

- G. *Replacement schedule for equipment and installed components.***
- H. *Waste Management Practices:*** Describe the wastes generated by operation of the corrective measure and how they will be managed. Also discuss drainage and indicate how rainwater run-off will be managed.
- I. *Sampling and Analysis:*** Sampling and monitoring activities may be needed for effective operation and maintenance of the corrective measure. To ensure that all information, data and resulting decisions are technically sound, statistically valid, and properly documented, Scotts shall prepare a Quality Assurance Project Plan (QAPP) to document all monitoring procedures, sampling, field measurements and sample analyses performed during these activities. Scotts shall use quality assurance, quality control, and chain-of-custody procedures approved by Ohio EPA.
- J. *Corrective Measure Completion Criteria:*** Describe the process and criteria (e.g., groundwater cleanup goal met all compliance points for one year) for determining when corrective measures have achieved media cleanup goals. Also describe the process and criteria for determining when maintenance and monitoring may cease. Criteria for corrective measures such as a landfill cap must reflect the need for long-term monitoring and maintenance. Satisfaction of the completion criteria will trigger preparation and submittal of the Corrective Measures Completion Report.
- K. *O&M Contingency Procedures:***
- i. Procedures to address system breakdowns and operational problems including a list of redundant and emergency back-up equipment and procedures;
  - ii. Alternate procedures to be implemented if the corrective measure suffers complete failure. The alternate procedures must be able to prevent release or threatened releases of hazardous wastes or constituents which may endanger human health and/or the environment or exceed media cleanup standards;
  - iii. The O&M Plan must specify that, in the event of a major breakdown and/or complete failure of the corrective measures (includes emergency situations), Scotts will orally notify the implementing agency within 24 hours of the event and will notify the implementing agency within 72 hours of the event. Written notification must, at a minimum, specify what happened, what response action is being taken and/or is planned, and any potential impacts on human health and/or the environment; and
  - iv. Procedures to be implemented in the event that the corrective measure is experiencing major operational problems, is not performing to design specifications and/or will not achieve the cleanup goals in the expected time frame. For example, in certain

circumstances both a primary and secondary corrective measure may be selected for the Facility. If the primary corrective measure were to fail, then the secondary would be implemented. This section would thus specify that if the primary corrective measure failed, then design plans would be developed for the secondary measure.

- L. **Data Management and Documentation Requirements:** The O&M Plan shall specify that Scotts collect and maintain the following information:
- i. Progress report information;
  - ii. Monitoring and laboratory data;
  - iii. Records of operating costs; and
  - iv. Personnel, maintenance and inspection records.

This data and information should be used to prepare progress reports and the Corrective Measure Completion Report.

**Task III: Intermediate Plans and Specifications (30, 50, 60, 90 and/or 95% Design Point)**

*[Note: Scotts may propose or Ohio EPA may require the submittal of several intermediate plans and specifications (e.g., at the 60% Design Point) or none at all.]*

Scotts shall prepare draft Plans and Specifications that are based on the Conceptual Design but include additional design detail. A draft O&M Plan and Construction Workplan shall be submitted to Ohio EPA simultaneously with the draft Plans and Specifications. The draft design package must include drawings and specifications needed to construct the corrective measure. Depending on the nature of the corrective measure, many different types of drawings and specifications may be needed. Some of the elements that may be required are:

- a. General Site Plans.
- b. Process Flow Diagrams
- c. Mechanical Drawings
- d. Electrical Drawings
- e. Structural Drawings
- f. Piping and Instrumentation Diagrams
- g. Excavation and Earthwood Drawings
- h. Equipment Lists
- i. Site Preparation and Field Work Standards
- j. Preliminary Specifications for Equipment and Material

General correlation between drawings and technical specifications is a basic requirement of any set of working construction plans and specifications. Before submitting the project specifications to Ohio EPA, Scotts shall:

- a. Proofread the specifications for accuracy and consistency with the conceptual design; and

- b. Coordinate and cross-check the specifications and drawings.

**Task IV: Final Plans and Specifications (100% Design Point)**

Scotts shall prepare Final Plans and Specifications that are sufficient to be included in a contract document and be advertised for bid. A final O&M Plan and Construction Workplan shall be submitted to the implementing agency simultaneously with the final Plans and Specifications. The final design package must consist of the detailed drawings and specifications needed to construct the corrective measure. Depending on the nature of the corrective measure, many different types of drawings and specifications may be needed. Some of the elements that may be required are:

- a. General Site Plans.
- b. Process Flow Diagrams
- c. Mechanical Drawings
- d. Electrical Drawings
- e. Structural Drawings
- f. Piping and Instrumentation Diagrams
- g. Excavation and Earthwood Drawings
- h. Equipment Lists
- i. Site Preparation and Field Work Standards
- j. Construction Drawings
- k. Installation Drawings
- l. Detailed Specifications for Equipment and Material

**Task V: Construction Workplan**

Scotts shall prepare a Construction Workplan which documents the overall management strategy, construction quality assurance procedures and schedule for constructing the corrective measure. A draft Construction Workplan shall be submitted to Ohio EPA simultaneously with the draft Plans and Specifications and draft O&M Plan. A final Construction Workplan shall be submitted to Ohio EPA simultaneously with the final Plans and final O&M Plan. Upon receipt of written approval from the implementing agency, Scotts shall commence the construction process and implement the Construction Workplan in accordance with the schedule and provisions contained therein. The Construction Workplan must be approved by Ohio EPA prior to the start of corrective measure construction. The Construction Workplan must, at a minimum, include the following elements:

- A. *Introduction/Purpose:*** Describe the purpose of the document and provide a summary description of the project.
- B. *Project Management.*** Describe the construction management approach including levels of authority and responsibility (include organization chart), lines of communication and the qualifications of key personnel who will direct the corrective measure construction effort and provide construction quality assurance/quality control (including contractor personnel).
- C. *Project Schedule:*** The project schedule must include timing for key elements of the bidding process, timing for initiation and completion of all major corrective measure construction tasks as specified in the Final

Plans and Specifications, and specify when the Construction Completion Report is to be submitted to Ohio EPA.

- D. **Construction Quality Assurance/Quality Control Programs:** The purpose of construction quality assurance is to ensure, with a reasonable degree of certainty, that a completed corrective measure will meet or exceed all design criteria, plans, and specifications. The Construction Workplan must include a complete Construction Quality Assurance Program to be implemented by Scotts.
- E. **Waste Management Procedures:** Describe the wastes generated by construction of the corrective measure and how they will be managed.
- F. **Sampling and Analysis:** Sampling and monitoring activities may be needed for construction quality assurance/quality control and/or other construction related purposes. To ensure that all information, data and resulting decisions are technically sound, statistically valid, and properly documented, Scotts shall prepare a QAPP to document all monitoring procedures, sampling, field measurements and sample analysis performed during these activities. Scotts shall use quality assurance, quality control, and chain-of-custody procedures approved by Ohio EPA.
- G. **Construction Contingency Procedures:**
  - 1. Changes to the design and/or specifications may be needed during construction to address unforeseen problems encountered in the field. Procedures to address such circumstances, including notification of the implementing agency, must be included in the Construction Workplan;
  - 2. The Construction Workplan must specify that, in the event of a construction emergency (e.g., fire, earthwork failure, etc.) Scotts will orally notify Ohio EPA within 24 hours of the event and will notify Ohio EPA in writing within 72 hours of the event. The written notification must, at a minimum, specify what happened, what response action is being taken and/or is planned, and any potential impacts on human health and/or the environment; and
  - 3. Procedures to be implemented if unforeseen events prevent corrective measure construction. For example, in certain circumstances both a primary and secondary corrective measure may be selected for the Facility. If the primary corrective measure could not be constructed, then the secondary would be implemented. This section would thus specify that if the primary corrective measure could not be constructed, then design plans would be developed for the secondary measure.
- H. **Construction Safety Procedures:** Construction safety procedures should be specified in a separate Health and Safety Plan.
- I. **Documentation Requirements:**

Scotts shall describe how analytical data and results will be evaluated, documented, and managed.

**J. *Cost Estimate/Financial Assurance:***

Financial assurance for corrective measure construction and operation may be required by an enforcement order. The Construction Workplan must include a cost estimate and specify which financial mechanism will be used and when the mechanism will be established. The cost estimate shall include both construction and operation and maintenance costs. An initial cost estimate shall be included in the draft Construction Workplan and a final cost estimate shall be included in the final Construction Workplan. The financial assurance mechanism may include a Performance or Surety Bond, a Trust Fund, a Letter of Credit, Financial Test and Corporate Guarantee equivalent to that in 40 CFR '265.13 or any other mechanism acceptable to Ohio EPA.

Financial assurance mechanisms are used to assure Ohio EPA that Scotts has adequate financial resources to construct and operate the corrective measure.

**Task VI: Construction Completion Report**

Scotts shall prepare a Construction Completion (CC) Report which documents how the completed project is consistent with the Final Plans and Specifications. A CC Report shall be submitted to Ohio EPA when the construction and any operational tests have been completed. The CC Report shall, at a minimum, include the following elements:

1. Purpose;
2. Synopsis of the corrective measure, design criteria, and certification that the corrective measure was constructed in accordance with the Final Plans and Specifications;
3. Explanation and description of any modifications to the Final Plans and Specifications and why these were necessary for the project;
4. Results of any operational testing and/or monitoring, indicating how initial operation of the corrective measure compares to the design criteria;
5. Summary of significant activities that occurred during construction. Include a discussion of problems encountered and how they were addressed;
6. Summary of any inspection findings (include copies of key inspection documents in appendices);
7. As built drawings of photographs; and

8. Schedule indicating when any treatment systems will begin full scale operations.

**Task VII: Corrective Measure Completion Report**

Scotts shall prepare a Corrective Measure Completion (CMC) Report when Scotts believes that the corrective measure completion criteria have been satisfied. The purpose of the CMC Report is to fully document how the corrective measure completion criteria have been satisfied and to justify why the corrective measure and/or monitoring may cease. The CMC Report shall, at a minimum, include the following elements:

1. Purpose;
2. Synopsis of the corrective measure;
3. CMC Criteria: Describe the process and criteria for determining when corrective measures, maintenance and monitoring may cease. CMC criteria were given in the final O&M Plan;
4. Demonstration that the completion criteria have been met. Include results of testing and/or monitoring, indicating how operation of the corrective measure compares to the completion criteria;
5. Summary of work accomplishments (e.g., performance levels achieved, total hours of treatment operation, total treated and/or excavated volumes, nature and volume of wastes generated, etc.);
6. Summary of significant activities that occurred during operations. Include a discussion of problems encountered and how they were addressed;
7. Summary of inspection findings (include copies of key inspection documents in appendices); and
8. Summary of total O&M costs.

**Task VIII: Health and Safety Plan**

Scotts shall submit a Health and Safety Plan for all field activity, although it does not require review and approval by Ohio EPA. The Health and Safety Plan shall be developed as a stand alone document but may be submitted with the CMI Workplan. The Health and Safety Plan must, at a minimum, include the following elements:

1. **Objectives:** Describe the goals and objectives of the health and safety program (must apply to on-site personnel and visitors). The Health and Safety Plan must be consistent with the Facility Contingency Plan, OSHA Regulations, NIOSH Occupational Safety and Health Guidance Manual for Hazardous Waste Site Activities (1985), all state and local regulations and other Ohio EPA guidance as provided.

2. **Hazard Assessment:** List and describe the potentially hazardous substances that could be encountered by field personnel during construction and/or O&M activities. Discuss the following:

1. Inhalation Hazards
2. Dermal Exposure
3. Ingestion Hazards
4. Physical Hazards
5. Overall Hazard Rating

Include a table that, at a minimum lists: known contaminants, highest observed concentration, media, symptoms/effects of acute exposure.

3. **Personal Protection/Monitoring Equipment**

1. Describe personal protection levels and identify all monitoring equipment for each operational task.
2. Describe any action levels and corresponding response actions (i.e., when will levels of safety be upgraded).
3. Describe decontamination procedures and areas.

4. **Site Organization and Emergency Contacts**

List and Identify all contacts (include phone numbers). Identify the nearest hospital and provide a regional map showing the shortest route from the facility to the hospital. Describe site emergency procedures and any site safety organizations. Include evacuation procedures for neighbors (where applicable).

### **Task IX: Public Involvement Plan**

All Public Involvement Plans (PIP) prepared by Scotts shall be submitted to Ohio EPA approval prior to use. Permittees/ Respondents must never appear to represent or speak for Ohio EPA before the public, other government officials, or media.

Public Involvement activities that may be required for Scotts include the following:

1. Conducting an open house or informal meeting (i.e., availability session) in a public location where people can talk to Ohio EPA officials and Scotts on a one-to-one basis;
2. Preparing fact sheets summarizing current or proposed corrective action activities (all fact sheets should be reviewed by Ohio EPA prior to public distribution);
3. Communicating effectively with people who have vested interest in the corrective action activities (e.g., providing written or verbal information in

the foreign language of a predominantly non-English speaking community); and

4. Maintaining an easily accessible repository (such as a town hall or public library or the facility itself, in some limited circumstances) of information on the facility-specific corrective action program, including the order or permit, approved workplans, and/or other reports.

A schedule for community relations activities shall be included in the PIP.

### **Section X: Progress Reports**

Scotts will, at a minimum, provide Ohio EPA with signed bimonthly progress reports during corrective measure design, construction, operation and maintenance. Ohio EPA may adjust the frequency of progress reporting to address site-specific needs. For example, more frequent progress reports may be needed to track critical activities such as corrective measure construction and start-up. Progress reports must, at a minimum, include the following elements:

1. A description of significant activities (e.g., sampling events, inspections, etc.) and work completed/work accomplishments (e.g., performance levels achieved, hours of treatment operation, treated and/or excavated volumes, concentration of contaminants in treated and/or excavated volumes, nature and volume of wastes generated, etc.) during the reporting period;
2. Summary of system effectiveness. Provide a comparison of system operation to predicted performance levels (applicable only during operation of the corrective measure);
3. Summaries of all findings (including any inspection results);
4. Summaries of all contacts with representatives of the local community, public interest groups or State government during the reporting period;
5. Summaries of all problems or potential problems encountered during the reporting period;
6. Actions being taken and/or planned to rectify problems;
7. Changes in personnel during the reporting period;
8. Projected work for the next reporting period; and
9. Results of any sampling tests and/or other data generated during the reporting period.

**Section XI: Proposed Schedule**

Scotts will provide Ohio EPA with the following schedule for each unit in accordance with the requirements contained in Section IX(A)(3) of the Consent Order:

<b>Facility Submission</b>	<b>Due Date</b>
Conceptual Design (I)	[DATE]
Operation & Maintenance Plan (II)	[DATE]
Intermediate Plans & Specifications (III)	[NUMBER] days after Conceptual Design Approval
Final Plans & Specifications (IV)	[NUMBER] days after Ohio EPA comments on Intermediate Plans & Specifications (date of approval may be tied to submittal of the CMI Workplan, if required)
Construction Workplan (V)	Concurrent with Final Plans & Specifications (or approval thereof)

Construction Completion (VI)	[DATE]
Corrective Measure Completion Report (VII)	[DATE] (based on when completion criteria are believed to have been satisfied)
Health & Safety Plan (VIII)	[DATE]
Public Involvement Plan (IX)	[DATE]
Progress Reports on (I-IX)	Bimonthly