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November 2, 1995

Robert J. Shostak, Esq.
14 South Court Street
Suite 301
Athens, Ohio 45701

Re: **In re Southdown, Inc. Litigation**

Dear Bob:

Pursuant to your request conveyed in our telephone conversation of October 3 **1, 1995**, enclosed please find copies of the monthly reports regarding the activities at Landfill No. 1 for August, September and October. It was my understanding that both you and Mr. Cornett were receiving these reports. I have contacted Dan Heintz, and he has confirmed that both you and Bruce are on the distribution list. (I noticed that you both were carbon copied on the August 14, 1995 report, a copy of which is enclosed.)

As I indicated in our telephone conversation, no "technical documents" have been generated with respect to Landfill No. 1 since the settlement agreement with GEC. A report from the consultant on the ongoing Phase I project is expected in April or May of 1996 once the project is completed. A summary of the Phase I project was provided to you in my letter of July 27, 1995.

I trust the foregoing and enclosed **satisfy** your inquiry of October 27, 1995. If you have any questions regarding the foregoing or enclosed, please do not hesitate to contact me.

Very truly yours,


Frank L. Merrill

vac
Enclosure

cc: Mr. Daniel W. Heintz (w/o encl.)
Mr. Bruce Cornett (w/encl.)

BE1-1/76374-1



August 14, 1995

Ms. Stephanie Simstad
Environmental Specialist
SWDO-Division of Emergency and Remedial Response
Ohio Environmental Protection Agency
401 East **Fifth** Street
Dayton, Ohio 45402-2911

Re: Southdown, Inc.
CKD Landfill No. 1
Fairborn, Ohio

Dear Ms. Simstad:

As promised at the April 12th meeting with representatives of Southdown, Inc. (Southdown), **Panterra** Corporation (Panterra) and Ernie Neal, we are providing this monthly update on activities conducted at the Landfill No. 1 site. The purpose of this update is to keep the Agency informed on the nature and extent of site developments in the event that inquiries arise.

Since the last monthly update work has been initiated to conduct a pilot test application of a "Soil-Sement" Dust Retardant to reduce potential fugitive dust emissions. In addition, an evaluation of the feasibility of vegetating CKD disposal areas through the use of hydro-seeding has been initiated. Other activities during the past month include continued construction of the site perimeter fence and monitoring of ground water levels and surface water flows.

I trust that the above is sufficient to keep the Agency informed of the activities performed to date at the Landfill No. 1 site. Should you need additional information, please feel free to contact me at (713) 653-6956.

Sincerely,

Daniel W. Heintz
Vice President
Environmental Affairs

cc: Mr. Robert Shostak, Esq
Mr. Bruce Cornett, GEC

Daniel W. Heintz
VICE PRESIDENT
ENVIRONMENTAL AFFAIRS



September 11, 1995

Ms. Stephanie Simstad
Environmental Specialist
SWDO-Division of Emergency and Remedial Response
Ohio Environmental Protection Agency
401 East Fifth Street
Dayton, Ohio 45402-29 11

Re: Southdown, Inc.
CKD Landfill No. 1
Fairborn, Ohio

Dear Ms. Simstad:

As promised at the April 12th meeting with representatives of Southdown, Inc. (Southdown), **Panterra** Corporation (Panterra) and Ernie Neal, we are providing this monthly update on activities conducted at the Landfill No. 1 site. The purpose of this update is to keep the Agency informed on the nature and extent of site developments in the event that inquiries arise.

Since the last monthly update construction of the site perimeter fence has been completed. In addition, the newly installed monitoring wells have been surveyed relative to the topographic mapping. Other activities during the past month include sampling and analysis of the on-site pond for water quality and monitoring of ground water levels and surface water flows.

I trust that the above is sufficient to keep the Agency informed of the activities performed to date at the Landfill No. 1 site. Should you need additional information, please feel free to contact me at (713) 653-6956.

Sincerely,

Daniel W. Heintz
Vice President
Environmental Affairs

Daniel W. Heintz
VICE PRESIDENT
ENVIRONMENTAL AFFAIRS



October 19, 1995

Ms. Stephanie Simstad
Environmental Specialist
SWDO-Division of Emergency and Remedial Response
Ohio Environmental Protection Agency
401 East Fifth Street
Dayton, Ohio 45402-2911

Re: Southdown, Inc.
CKD Landfill No. 1
Fairborn, Ohio

Dear Ms. Simstad:

As promised at the April 12th meeting with representatives of Southdown, Inc. (Southdown), Panterra Corporation (Panterra) and Ernie Neal, we are providing this monthly update on activities conducted at the Landfill No. 1 site. The purpose of this update is to keep the Agency informed on the nature and extent of site developments in the event that inquiries arise.

During the past month construction of a temporary drainage pipe beneath the site haul road was undertaken in order to drain the on-site pond. The U.S. Army Corps of Engineers approved this activity as it was determined that the pond was not a jurisdictional wetland and that this effort constituted re-establishment of a former drainage system. Once the pond level is lowered, the old drainage pipe will be cleared to allow this area to drain as originally intended. Representatives of the OEPA Division of Surface Water were consulted prior to initiating this work. In addition to the above, ground water levels and surface water flows were measured and observation continued on the pilot test applications of potential CKD cover materials.

I trust that the above is sufficient to keep the Agency informed of the activities performed to date at the Landfill No. 1 site. Should you need additional information, please feel free to contact me at (713) 653-6956.

Sincerely,

Daniel W. Heintz
Vice President
Environmental Affairs