

March 29, 1995

Ms. Stephanie Simstad
Environmental Specialist
Division of Emergency and Remedial Response
Ohio EPA--Southwest District Office
401 East Fifth Street
Dayton, OH 45402-2911

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OHIO EPA
MAR 31 1995
SOUTHWEST DISTRICT

Dear Stephanie:

This letter confirms our recent telephone conversation in regard to the planned meeting with you and Michael Starkey on April 12, at 1:00 p.m., Southwest District Office.

Southdown, Inc., which I represent, appreciates the opportunity to meet with you and review various issues relating to Landfill #1, located in proximity to Southwestern Portland Cement Co., the corporation's cement manufacturing operation in Fairborn, Ohio. As you are probably aware, the primary content of Landfill #1 is cement kiln dust generated by Universal Atlas Cement Company prior to acquisition of the facility by Southwestern Portland Cement.

Southdown, Inc. has initiated certain field investigation and monitoring activities to assess site impacts and specifically has engaged **Panterra** Corporation, an engineering/consulting firm, to assist in the formulation of remediation options for Landfill #1. During this period, Southdown simultaneously evaluated various legal and administrative remedies, including the possibility of utilizing the provisions under the recently enacted Amended Senate Bill 22 1.

It is Southdown's intent to move aggressively on site remediation and it is on this point that we want to inform the agency of the firm's activities.

Our suggested agenda items include:

- I. Introduction
- II. Background of Landfill #1
- III. Review of remediation alternatives
- IV. Summary and necessary follow-up

Governmental Affairs

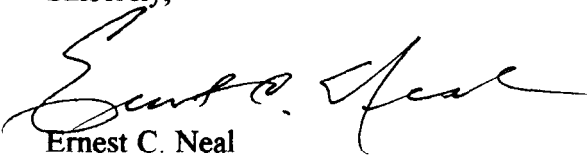
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If there are any additional issues which you would like included in this review, please contact me accordingly.

I appreciate your consideration and look forward to our April 12 meeting.

Sincerely,



Ernest C. Neal

cc: E. Marston
D. Heintz

PHONE CONVERSATION RECORD

Conversation with:

Name Ernie Neal

Company _____

Address _____

Phone (614) 224-5333

Subject Southwestern Cement

Date 3 2 05

Time 3:00 AM/PM

Originator Placed Call,

Originator Received Call

W.O. NO. _____

Notes:

called to introduce himself, he works for consulting firm that does work in governmental affairs (regulatory + legislative) etc.

Southwestern acquired some CERD landfills through purchase from Universal Atlas; some of these sites are in various stages of assessment/clean-up

Southwestern wants to "move forward" in the site characterization process. She has hired Penn Terra (another consulting firm) to dev site char ideas

When Universal Atlas + USX (another party) + SW can agree to site char + other issues

They would like to move forward + look at remediation under the OEPA Voluntary Program (w/ coop no cost recovery)

They have previously met w/ # of OEPA folks re: Voluntary including Tom Snyder, Jerry Teabe etc. (I think other Columbus folks)

They want to be ready to jump in Voluntary Program when add rules come out + want to touch base w/ me (after ref to me by Joe Smialek) + inquire w/ know their intentions

In next 3 wkst, they would like to hold another meeting, sim to previous one to discuss

Originator's Initials SS

ATTENDANCE

SOUTHWESTERN PORTLAND CEMENT CO. L.F. #/

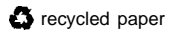
MEETING 4/12/95 1:00

1. Mike Starkey	OEPA / DERR / SWDO	513-285-6439
Matthew Reed	Panterra	513-237-7050
E.W. Hankerood	Southdown / Southwestern	(513) 879-8388
Tom Holdema	Panterra	513-237-7050
ERNE NEAL	CONSULTANT TO SOUTHWESTERN	614-224-53
Stephanie Simsted	OEPA / DERR / SWDO	(513) 235-6060
Tom Holdema	Panterra	(513) 237-7050

ERNEST C. NEAL

*Governmental
Affairs*

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TIMOTHY HOCOEMAN
MANAGER OF OPERATIONS

MATTHEW T. REED
PROJECT MANAGER

panterra
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panterra
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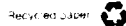
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EDGAR J. MARSTON III

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Southwestern
Portland Cement
A Southdown Company

E. W. Harkleroad
Quality Assurance Manager

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Fairborn, OH 45324

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4/25/95 Meeting for Southwestern Portland Cement Landfill #1
Attendees: See attached attendance sheet

Ernie Neal (consultant to Southdown)

He started out meeting expressing Southdown's future goal was to enter the Voluntary Program and wanted to show the efforts that they have taken to move forward on remediation.

Edgar **Marston** (Southdown Executive Vice President)

He gave brief introduction to site. He discussed preliminary agreement with USX that includes an agreement in principle to cost share for Phase 1 evaluation of property. (Note: Universal Atlas Cement Company was a division of U.S. Steel. U.S. Steel is now USX.) **Panterra** will be the consultant for both parties. He hopes to have study completed during Fall 1995. Southdown is extremely interested in completing work on site within the 2 year time frame. The 2 years is a result of the Greene County agreement and the judge who is willing to stand back for that time. *See Greene County Envtl. & Est. Coalition vs. Southdown vs. USX @ Sept 30 1994 1993-1997 file*

The property is going to be fenced by the same contractor who fenced Landfill #6. The fence will be approximately 4 miles long and circa \$250,000.

Tim Holdeman (Panterra Manager of Operations)

Panterra currently believes that if they drain the upper pond this will reduce the seeps problem as well as lower the water level in the area. If the drainage of the pond does not affect the seeps, the next potential step could involve trenching or other methods. It is believed the water could be discharged through a currently existing permit.

Work is currently focusing on the determination of whether the large pond on the upland area is a jurisdictional wetland. Engineering Science is the firm that is working on the delineation and feels that it is not jurisdictional wetland due to the fact that it has been formed by the blocking of the drainage culvert. The Army Corps of Engineers will have to approve the drainage of the pond before it occurs. If they do not believe it is "**wetland**", it should only be about 2-3 months before action occurs. If the Corps believe it is, they are looking at about 8+ months.

The question was raised as to whether **Panterra** is a certified firm, per VAP. Tim explained they are looking into certification and that it would be a large undertaking for a firm their size. Mike Starkey pointed out that entrance in the Voluntary Program, as the rules look currently, will require the use of a certified firm.

Edgar **Marston**

Southdown is willing to share work plan, schedules and resulting reports. He would like us to keep in mind that USX must give their ok to this. There are also monthly reports that are currently prepared for USX and Southdown that could also be shared.

End of Meeting:

It was agreed that OEPA will receive a mid-May report. Depending on the status of things with USX, we will receive the work plan, schedule, and reports at some point in the future. It was understood that we will not provide review or an approval of their contents.

Stephanie Amsted
4/12/95