

# **Annual Assessment of the Effectiveness of Institutional Controls at the Mound, Ohio, Site, Miamisburg, Ohio**

**June 2023**



U.S. DEPARTMENT OF  
**ENERGY**

Legacy  
Management

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## Abbreviations

CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
COS Building	Central Operational Support Building
CRP	Comprehensive Reuse Plan
DOE	U.S. Department of Energy
EM	Office of Environmental Management
EPA	U.S. Environmental Protection Agency
ES	Environmental Summary
FYR	Five-Year Review
IC	institutional control
LM	Office of Legacy Management
LMS	Legacy Management Support
LTS&M Plan	Long-Term Surveillance and Maintenance Plan
MATC	Mound Advanced Technology Center
MDC	Mound Development Corporation (formerly MMCIC)
MMCIC	Miamisburg Mound Community Improvement Corporation
NPL	National Priorities List
ODH	Ohio Department of Health
ODNR	Ohio Department of Natural Resources
Ohio EPA	Ohio Environmental Protection Agency
OSE Building	Operational Support East Building
OU	Operable Unit
QC	quitclaim
RCRA	Resource Conservation and Recovery Act
ROD	Record of Decision
SDD	Special Development District
T Building	Technical Building
VI	vapor intrusion

## 1.0 Introduction

This report documents the U.S. Department of Energy (DOE) Office of Legacy Management (LM) 2023 annual assessment of the effectiveness of sitewide institutional controls (ICs) for the entire Mound, Ohio, Site<sup>1</sup> in Miamisburg from May 1, 2022, to April 30, 2023.

ICs, which are part of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) remedies for the site, are nonengineered instruments, such as administrative and legal controls, that help minimize the potential for human exposure to contamination, protect the integrity of the remedy, or both.

After the site was placed on the National Priorities List (NPL), the DOE Office of Environmental Management (EM) remediated the site according to CERCLA Section 120(h) requirements for property transfer as an industrial or commercial use site. LM is responsible for long-term surveillance plan. The annual IC assessment process and this IC assessment report follow the requirements in three LM documents that make up the Long-Term Surveillance Plan for the Mound site:

- *Operations and Maintenance Plan for the U.S. Department of Energy Mound, Ohio, Site* (LMS/MND/S08406)
- *Long-Term Surveillance and Maintenance Plan for the U.S. Department of Energy Mound, Ohio, Site* (LMS/MND/S01369), hereafter referred to as the LTS&M Plan
- *Community Involvement Plan for the U.S. Department of Energy Mound, Ohio, Site* (LMS/MND/S02885)

The Mound site ICs are defined in the Records of Decision (RODs) and the CERCLA 120(h) Summary Notice of Hazardous Substances Environmental Summaries (ESs) described in Section 4.0 of this report. The ICs were developed by EM with input from the public; the city of Miamisburg, Ohio (city); the U.S. Environmental Protection Agency (EPA); the Ohio Environmental Protection Agency (Ohio EPA); the Ohio Department of Health (ODH); and the Mound Development Corporation (MDC) (formerly the Miamisburg Mound Community Improvement Corporation [MMCIC]).

Although not an IC, groundwater monitoring is required by CERCLA remedies for some land parcels. The groundwater monitoring information for the Phase I Parcel (A, B, and C) and Parcels 6, 7, and 8 is presented in an annual groundwater monitoring report due June 13 of each year. The groundwater monitoring information for Operable Unit 1 (OU-1) in Parcel 9 is included in LM Environmental Restoration monthly reports.

The 2023 annual IC assessment determined that the ICs continue to function as designed, adequate oversight mechanisms are in place to identify possible violations of ICs, and adequate resources are available to correct or mitigate any problems if violations occur. There were no recommendations from this assessment.

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<sup>1</sup> The Mound site has also been called the Mound Laboratory, Mound Laboratories, the Mound Plant (EPA ID OH6890008984), the USDOE Mound Plant, the Mound Facility, the USDOE Mound Facility, the Miamisburg Environmental Management Project (MEMP), and the Miamisburg Closure Project (MCP). Currently, LM uses “Mound, Ohio, Site” as the formal name of the site.

## **2.0 Period of Review**

This annual assessment covers the period from May 1, 2022, to April 30, 2023.

## **3.0 Scope of Assessment**

The ICs cover the entire area within the 1998 Mound Plant property boundary outlined in red in Figure 1. The onsite ROD parcels are outlined in purple.

The former burn area that was remediated under the Resource Conservation and Recovery Act (RCRA) is within the Mound Plant property boundary. In April 2016, Ohio EPA's RCRA organization recorded its decision not to continue a separate Ohio EPA IC inspection of the former burn area at the Mound site, as documented in the letter in Appendix A. This letter advised LM that Ohio EPA will rely on the LM annual IC assessment to verify compliance with the RCRA ICs, which are the same as the CERCLA ICs for that area of the Mound site. LM includes the Ohio EPA RCRA program supervisor in the distribution list for this annual CERCLA IC assessment report.

The Mound NPL site comprises eight ROD parcels, one of which (former Miami-Erie Canal, known as OU-4) was not on DOE-owned property. The annual IC assessments do not include this offsite OU-4 area west of the site, outlined in gold in Figure 1, because this area was remediated and free released with no use restrictions or ICs.

Figure 2 is a 2021 oblique aerial photo showing the entire site looking north. Appendix F contains a March 2021 aerial photo showing the ROD parcel, county parcel, and MDC planned lot boundaries. Aerial photos are taken during each CERCLA Five-Year Review (FYR).

LM submits the annual IC assessment report to EPA and Ohio EPA no later than June 13 of each year. All annual assessment reports are available on the LM Mound webpage (<https://www.energy.gov/lm/mound-ohio-site>).

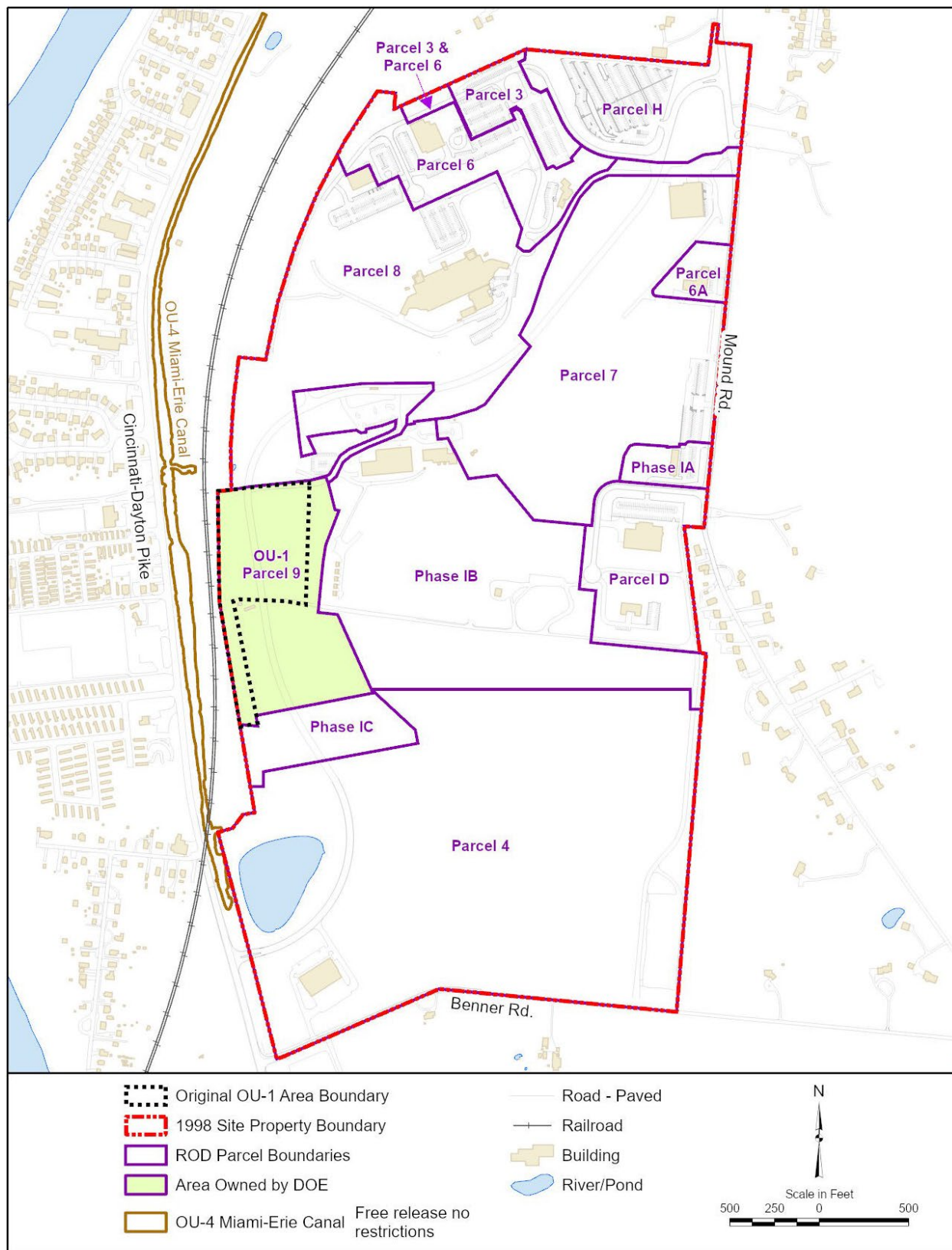


Figure 1. 1998 Mound Plant Property Showing the ROD Parcels





Figure 2. Mound Site Looking North (March 2021)



## 4.0 CERCLA Remedy Documents

Table 1 lists the eight Mound NPL site RODs with the ROD and ES titles and their approval dates. All of these documents are available online at [the CERCLA Mound Site webpage](#).

The RODs define the CERCLA remedies, including the sitewide ICs. The Parcel 6, 7, and 8 ROD includes special ICs specific to the former Technical Building (T Building).

The ESs document that the parcel meets the requirements of CERCLA 120(h) for property transfer. The offsite OU-4 area was remediated and free released with no use restrictions or ICs and, therefore, did not require an ES.

*Table 1. Mound Site ROD and CERCLA 102(h) ES Information*

ROD Parcel ID	Document	Approval Date
D	<i>Record of Decision for Release Block D, Mound Plant, Miamisburg, Ohio, Final (DOE 1999c)</i>	February 1999
	<i>CERCLA 120(h) Summary Notice of Hazardous Substances, Release Block D, Mound Plant, Miamisburg, Ohio, Final (DOE 1999a)</i>	February 1999
H	<i>Record of Decision for Release Block H, Mound Plant, Miamisburg, Ohio, Final (DOE 1999d)</i>	June 1999
	<i>CERCLA 120(h) Summary Notice of Hazardous Substances, Release Block H, Mound Plant, Miamisburg, Ohio, Final (DOE 1999b)</i>	July 1999
3	<i>Parcel 3 Record of Decision, Mound Plant, Miamisburg, Ohio, Final (DOE 2001b)</i>	September 2001
	<i>Parcel 3 Environmental Summary, CERCLA 120(h) Summary Notice of Hazardous Substances, Mound Plant, Miamisburg, Ohio, Final (DOE 2001a)</i>	September 2001
4	<i>Parcel 4 Record of Decision, Mound Plant, Miamisburg, Ohio, Final (DOE 2001d)</i>	February 2001
	<i>Parcel 4 Environmental Summary, CERCLA 120(h) Summary Notice of Hazardous Substances, Mound Plant, Miamisburg, Ohio, Final (DOE 2001c)</i>	March 2001
6, 7, 8 (includes former Parcel 6A)	<i>Parcels 6, 7, and 8 Record of Decision, Miamisburg Closure Project, Miamisburg, Ohio, Final (DOE 2009a)</i>	August 2009
	<i>Parcels 6, 7, and 8 Environmental Summary, CERCLA 120(h) Summary Notice of Hazardous Substances, Final (DOE 2010)</i>	August 2010
9 (OU-1 and expanded area)	<i>Operable Unit 1 Record of Decision, Final (DOE 1995)</i>	June 1995
	<i>Parcel 9 Environmental Summary, CERCLA 120(h) Summary Notice of Hazardous Substances, Final (DOE 2011b)</i>	August 2011
	<i>Amendment of the Operable Unit 1 Record of Decision, U.S. Department of Energy, Mound Closure Project, Final (DOE 2011a)</i>	August 2011
	<i>Environmental Covenant, Parcel 9 (DOE 2012b) (Recorded as Special Instrument Deed 2012-00004722 with Montgomery County, Ohio)</i>	January 2012
Phase I (A, B, C)	<i>Phase I Record of Decision, Miamisburg Closure Project, Final (DOE 2003b)</i>	July 2003
	<i>Phase I Environmental Summary, CERCLA 120(h) Summary Notice of Hazardous Substances, Miamisburg Closure Project, Final (DOE 2003a)</i>	December 2003
OU-4	<i>Miami-Erie Canal Record of Decision, Miamisburg Closure Project, Final, Revision 0 (DOE 2004)</i>	September 2004
	OU-4 is on City of Miamisburg property and was remediated to an unlimited use end state; no ES was required or issued	

As the former Mound site property transferred from DOE to MDC for commercial or industrial reuse, MDC platted the site into Mound Advanced Technology Center (MATC) Sections 1 through 5 with new real estate lots and Montgomery County parcel identification numbers (parcel IDs). The county parcel boundaries are different than the CERCLA ROD parcel boundaries. Each ROD parcel area in Figure 1 is covered by a specific ROD that documents the remedy of that area regardless of the county parcel IDs.

The Mound site ICs run with the land in the form of: (1) restrictions and covenants in the quitclaim (QC) deeds or (2) activity and use limitations in the Parcel 9 Environmental Covenant (DOE 2012b) filed with Montgomery County, Ohio, so that all future property owners will know about the deed restrictions. Table 2 summarizes the final ROD parcel identifications (i.e., ID numbers, dates, remedies, legal instruments, and IC objectives).

Section 6.2.3 and Appendix B provide details from the Montgomery County auditor's property records, county parcel IDs, property ownership status, and other agreements relating to property ownership.

*Table 2. Summary of RODs, Remedies, ICs, and Legal Instruments*

ROD Parcel	Former ID or Other Names	ROD Date	CERCLA Remedy	Objectives of ICs	Legal Instruments DOE to MDC (QC Deeds and Environmental Covenant Filed at Montgomery County, Ohio)
D	Release Block D	1999	ICs	Prohibit the removal of soil. Prohibit the use of groundwater.  Restrict land use to industrial and commercial only.	Parcel D QC deed <b>02-146503</b> , 11-22-2002 Parcel H QC deed <b>02-146504</b> , 11-22-2002 Parcel 3 QC deed <b>02-028206</b> , 10-18-2002 Parcel 4 QC deed <b>02-128007</b> , 10-17-2002  The following QC deed replaced previous deeds listed above for Parcels 3, 4, D, H, and combined them with Phase 1 Parcel QC deed <b>09-011643</b> , 02-24-2009
H	Release Block H	1999	ICs	Prohibit the removal of soil. Prohibit the use of groundwater.  Restrict land use to industrial and commercial only.	
3	None	2001	ICs	Prohibit the removal of soil. Prohibit the use of groundwater.  Restrict land use to industrial and commercial only.	
4	South property	2001	ICs	Prohibit the removal of soil. Prohibit the use of groundwater.  Restrict land use to industrial and commercial only.	
Phase I (A, B, C)	None	2003	ICs and MNA	Prohibit the removal of soil. Prohibit the use of groundwater.  Restrict land use to industrial and commercial only.	

Table 2. Summary of RODs, Remedies, ICs, and Legal Instruments (continued)

ROD Parcel	Former ID or Other Names	ROD Date	CERCLA Remedy	Objectives of ICs	Legal Instruments DOE to MDC (QC Deeds and Environmental Covenant Filed at Montgomery County, Ohio)
6 7 (and 6A) 8	Parcels 6, 7, and 8	2010	ICs and MNA	<p>Prohibit the removal of soil. Prohibit the use of groundwater.</p> <p>Restrict land use to industrial and commercial only.</p> <p>Prohibit the removal of concrete floor material in specified rooms of T Building.</p> <p>Prohibit the penetration of concrete floor material in specified rooms of T Building.</p>	<p>QC deeds:  <b>12-00083743</b>, 12-19-2012 for 995 Mound Road  <b>17-00055321</b>, 09-19-2017 for 885 Mound Road  <b>17-00045599</b>, 08-04-2017 for 930 Capstone Drive  <b>18-00006246</b>, 01-31-2018 for 460 and 480 Vantage Point and lot on north hillside  <b>18-00064591</b>, 11-01-2018 for 945 Capstone Drive  <b>19-00061640</b>, 11-05-2019 for remainder of Parcels 6, 7, and 8 plus a part of Parcel 9</p>
9	OU-1	1995 and 2011 amendment	ICs, hydraulic containment, surface water controls, long-term groundwater monitoring	<p>Prohibit the removal of soil. Prohibit the use of groundwater.</p> <p>Restrict land use to industrial and commercial only.</p>	<p>Environmental Covenant for Parcel 9 approved 12-22-11  Filed as a special instrument (deed)  <b>12-00004722</b>, 01-24-2012  (LM currently retains four parcels within Parcel 9)</p>
OU-4	Miami-Erie Canal	2004	No action	Not applicable.	None required

**Notes:**

Legal instruments are filed by instrument number (QC or special instrument) on the Montgomery County recorder's website at [Recorder's Information Search System, Montgomery County, Ohio](#).  
MATC Sections 1–5 plat numbers are shown in Table B-3 in Appendix B.

**Abbreviation:**

MNA = monitored natural attenuation



## 5.0 Institutional Controls

### 5.1 Overview

ICs are important components of the CERCLA remedies selected for the Mound site. EPA defines ICs as nonengineered instruments, such as administrative and legal controls, that help minimize the potential for human exposure to contamination, protect the integrity of the remedy, or both.

DOE remediated the Mound site property to EPA's risk-based standards for industrial or commercial use. Because the site is not approved for unlimited use, ICs were imposed as part of the CERCLA remedy defined in each ROD listed in Table 1. OU-4 has no ICs or use restrictions. The Mound ICs were developed using the CERCLA process that included input from the public, the city, regulators, and MDC.

The Mound site ICs run with the land in the form of (1) restrictions and covenants in the QC deeds or (2) activity and use limitations in the Parcel 9 Environmental Covenant (DOE 2012b) filed with Montgomery County, Ohio, so that all future property owners will know about the deed restrictions.

Additional information on ICs can be found in the EPA publication *Institutional Controls: A Citizen's Guide to Understanding Institutional Controls at Superfund, Brownfields, Federal Facilities, Underground Storage Tanks, and Resource Conservation and Recovery Act Cleanups* (EPA 2005).

### 5.2 Mound Site ICs

There are four sitewide ICs and two building-specific ICs.

#### 5.2.1 Sitewide ICs

- Prohibit the removal of soil from within the original DOE Mound site property boundaries without prior written approval from EPA, Ohio EPA, and ODH. See Section 5.2.3 for exceptions.
- Prohibit the extraction or consumption of, exposure to, or the use in any way of the groundwater underlying the site without prior written approval from EPA and Ohio EPA.
- Maintain industrial or commercial land use and prohibit residential land use. Each parcel ROD identifies the land uses that will not be permitted, but the list is not all-inclusive. For example, parcels may not be used for any residential or farming activities or for any activities that could result in the chronic exposure of children less than 18 years of age to soil or groundwater from the premises. Restricted uses include:
  - Single-family or multi-family dwellings or rental units.
  - Daycare facilities.

- Schools or other educational facilities for children less than 18 years of age.
- Community centers, playgrounds, or other recreational or religious facilities for children less than 18 years of age.
- Allow site access for federal and state agencies for the purpose of sampling and monitoring.

### **5.2.2 Building-Specific ICs**

The following two ICs apply only to T Building, as detailed in the Parcels 6, 7, and 8 ROD.

1. Prohibit the removal of concrete floor material from specified rooms of T Building to offsite locations without prior written approval from EPA, Ohio EPA, and ODH (see Appendix C and Section 5.3.1)
2. Prohibit the penetration of concrete floors in specified rooms of T Building without prior written approval from EPA, Ohio EPA, and ODH (see Appendix C and Section 5.3.1)

### **5.2.3 Areas Exempted from the Soil Removal Restriction IC**

The QC deeds transferring property from DOE to MDC contained parcel-specific deed restriction language. The areas shown in green in Figure 3 were exempted from the soil removal IC restriction in the QC deeds because the original Mound Plant boundary along Mound and Benner Roads extended to the center lines of those roads. In the figure and in the QC deeds, the term “excepted” is a synonym of “exempted.”

The QC deeds for the two areas shown in yellow in Figure 3 along Mound Road did not include the soil removal IC exemption language for areas to the center line of the road. This was noted in the 2016 annual inspection report and is being addressed by LM. Unless soil removal IC exemption language is added to the real property record for those two properties, the entire property is subject to that restriction, including work performed to the center line of Mound Road. The city manages all public roads and is aware of the CERCLA soil removal IC that pertains to these two areas along Mound Road.

It is important to note that all onsite roadways are still subject to all of the Mound site ICs.

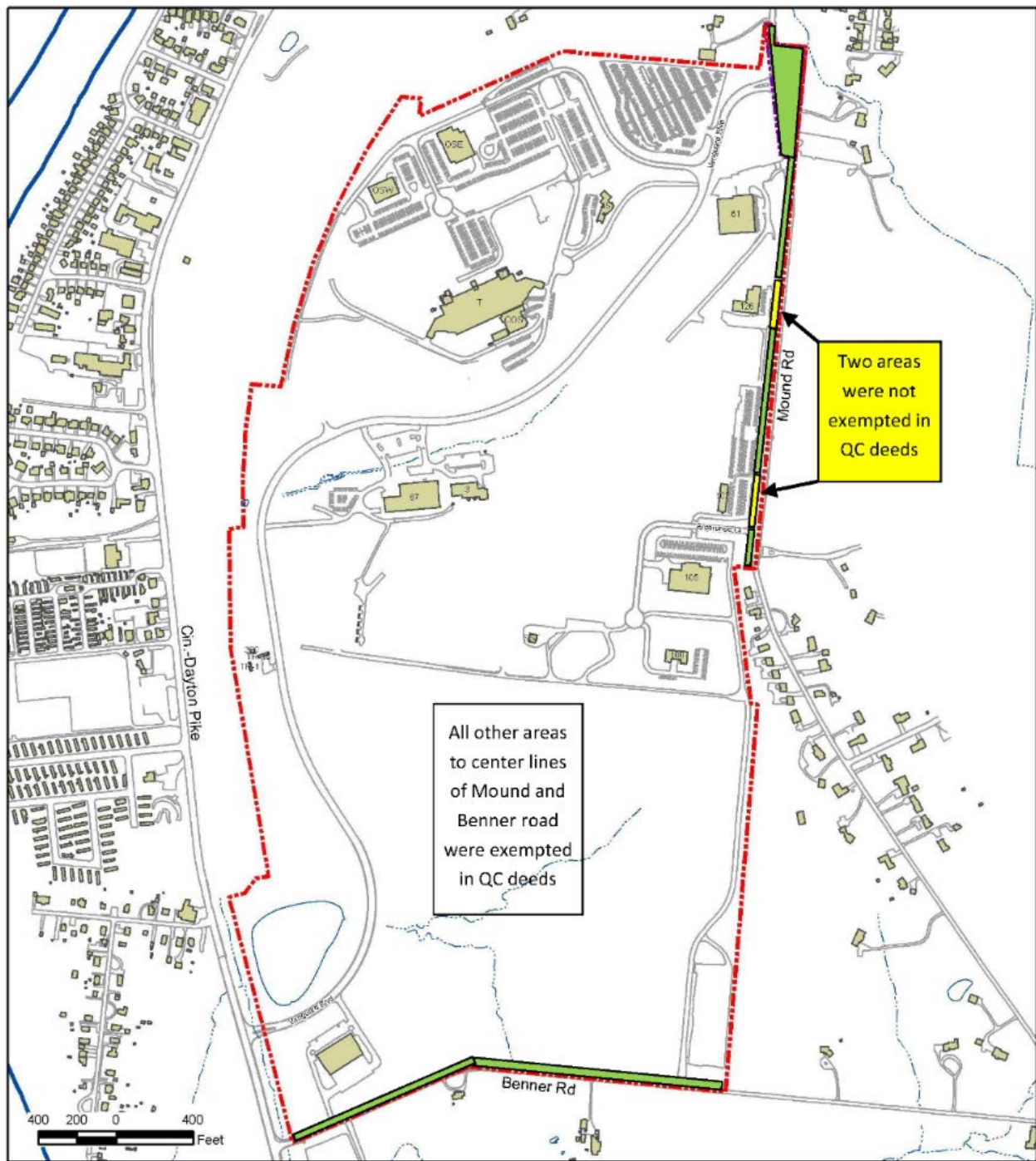


Figure 3. Mound Site Boundary and Soil Removal Exception (Exemption) Areas on Mound and Benner Roads

## 5.3 Mound Core Team IC Guidance Documents

The Mound Core Team has issued three guidance documents that provide more detail on IC compliance.

### 5.3.1 IC Guidance—T Building Special IC Areas

Appendix C of this report provides information on the T Building special IC areas, a floor plan (Figure C-1) showing the special IC areas, and the *T Building Special IC Areas Core Team Agreement and Position Paper* (DOE 2009b). Appendix C also includes the 2010 baseline photos of each room covered by the special ICs.

### 5.3.2 IC Guidance—General Including Soil Removal

Appendix D of this IC assessment report contains the *Core Team IC Guidance* (DOE 2012a), which includes soil removal. This guidance document provides additional detail and clarity to the ICs and includes an example form, *Request for Regulatory Approval of New Site Activity*, for new site activities not generally covered by the ICs.

### 5.3.3 IC Guidance—Process to Evaluate Mound Business Park Property Owner Requests for Land Uses Not Specifically Addressed Under CERCLA RODs

Appendix E of this IC assessment report contains the Core Team’s formal process to evaluate requests from property owners for new site activities that are not specifically prohibited or permitted in the IC wording. The requests are submitted on the form included in this guidance document. Appendix E also includes all of the approved requests evaluated by the Core Team. See Section 6.2.6 for details on the requests reviewed.

The requests and all decisions on these requests will be included in annual IC assessment reports.

## 5.4 Annual IC Assessment Process

To identify and evaluate changes in the site to verify IC compliance or indicate potential IC violations, Legacy Management Support (LMS) inspectors followed the IC assessment process described below. Results of these activities for 2023 are included in Section 6.0.

- Review the status of previous IC assessment and CERCLA FYR recommendations
- Conduct records reviews:
  - Request that the city query its permit database for work on the Mound site to identify changed conditions that could affect IC compliance, including the following:
    - Permits, including building, street opening, and occupancy
    - Planning commission records
    - Zoning modification requests
    - Requests for approvals of parking lots and other changes that do not require city permits
    - MDC oversight process

- Search Montgomery County, Ohio, property records to find property ownership changes
- Search the Ohio Department of Natural Resources (ODNR) website and the posted well drilling information to find unauthorized wells drilled onsite
- Review Mound Core Team notes for requests to regulators for:
  - IC exemptions for soil removal, use of groundwater, or penetration or removal of concrete in T Building.
  - New site activities (reference the *Request for Regulatory Approval of New Site Activity* form).
  - Mound Core Team approvals or disapprovals of requests for regulatory approval of new site activity.
- Communicate with property owners to review ICs
- Distribute and collect the signed *Mound Site Landowners - Institutional Control Compliance Form*, hereafter referred to as the IC compliance form
- Conduct physical inspections:
  - Conduct physical inspections of the site and document conditions in time-stamped photos. Look for any evidence of activities potentially related to ICs (e.g., soil excavation, new construction).
  - Conduct a site walkdown with representatives from EPA, Ohio EPA, ODH, MDC, and the city.
- Complete the final report
- Publish and distribute the report via email to regulators, MDC, and the city
- Post the report on the LM Mound site public webpage in Site Documents at the [“Key Documents” LM Mound Site webpage](#)
- Add the report to the Mound site information repository at the [“Administrative Record Index” LM Mound Site webpage](#)
- Advise the property owners that the report is complete and available
- Post a public notice in the *Dayton Daily News* that describes the ICs, summarizes results of the annual assessment, and advises that the report is available on the LM public webpage

## 6.0 2023 IC Assessment Results

### 6.1 Status of Previous Recommendations

#### 6.1.1 Annual Assessments (2016–2022)

The 2022 annual assessment, *Annual Assessment of the Effectiveness of Institutional Controls at the Mound, Ohio, Site, Miamisburg, Ohio* (DOE 2022), concluded that the Mound site ICs functioned as designed, adequate oversight mechanisms were in place to identify possible

violations, and adequate resources were available to correct or mitigate any problems if a violation were to occur.

There were no recommendations from the 2017, 2018, 2019, 2020, 2021, and 2022 annual assessments. Only one recommendation from previous IC assessments from the 2016 annual assessment is still open (see Table 3).

*Table 3. Status of Issues and Recommendations from the 2016 IC Assessment*

Origin	Issue or Recommendation	Responsible	Status
2016 Annual IC Assessment Report (DOE 2016)	Clarify that the two areas to the center line of Mound Road in Phase I (now Mound Cold War Discovery Center) and BOI Solutions, Inc., now owned by Sharpstone Investment Properties, LLC (Sharpstone) GoKeyless (Tract 2), are exempted from the soil removal IC	LM, EPA	<p><b><u>In Process</u></b></p> <p>LM provided a draft release form to regulators that would add the soil removal IC exception language to the real property record at Montgomery County, Ohio. If regulators concur, LM would record release with the county.</p> <p>Note: After this issue was identified, Sharpstone GoKeyless transferred its right-of-way parcel (Tract 2) to the city.</p>

### 6.1.2 CERCLA 2021 Fifth FYR

The 2021 FYR report (DOE 2021) that was approved by EPA on September 16, 2021, determined that the IC remedies are currently protective of human health and the environment because the ICs that impose restrictions on land and groundwater use and prohibitions on soil removal are functioning as intended. The 2021 FYR contained no actions or recommendations relating to ICs.

However, for all of the remedies, including groundwater, to be protective in the long term, the report detailed specific actions that need to be taken to ensure protectiveness. Those actions are summarized below:

- Complete the determination on complete exposure pathways for vapor intrusion (VI)
- Evaluate potential historical use of three emerging contaminants (per- and polyfluorinated alkyl substances (PFASs), perchlorate, and 1,4-dioxane)
- Attain groundwater cleanup standards in Phase 1 (A, B, C) and Parcels 6, 7, and 8
- Update the Parcel 9/OU-1 CERCLA remedy, including addressing the VI exposure pathway to future building occupants, and attain groundwater cleanup standards

## 6.2 Reviews of Records and IC Oversight Mechanisms

The following sections present the IC assessment review of the status of the formal and informal mechanisms that provide additional IC oversight of the site.

## 6.2.1 City of Miamisburg

### 6.2.1.1 Zoning

- The Mound Business Park special zoning district (MB-1) that was implemented through a codified city ordinance on December 19, 2019, limits the types of businesses allowed at the Mound Business Park and mentions the CERCLA ICs. The text of MB-1 is at Part Twelve—Planning and Zoning Code, Title Six—Zoning, Chapter 1271—MB-1 Mound Business Park at the webpage: [https://codelibrary.amlegal.com/codes/miamisburg/latest/miamisburg\\_oh/0-0-0-24521](https://codelibrary.amlegal.com/codes/miamisburg/latest/miamisburg_oh/0-0-0-24521).

The city's implementation of MB-1 zoning district for the Mound Business Park adds another layer of protection for IC compliance and demonstrates the city's commitment to industrial and commercial uses only.

On March 21, 2023, the City of Miamisburg, issued an amended ordinance (Ordinance 7006) to rezone the property at 945 Capstone Drive (City Lot #8058, T Building) from MB-1 to Special Development District (SDD-3). A copy of the SDD-3 is included in Appendix G. This zoning change allows the owner to conduct specialized automotive manufacturing and storage within the building.

### 6.2.1.2 Permits

LM reviews city permits to identify work on the Mound site that could involve compliance with Mound site ICs.

For the 2023 IC assessment, the LMS inspector requested that the City of Miamisburg Engineering Department query its computer tracking system for permits and any city approvals issued for other activities at the Mound Business Park from April 1, 2022, to March 31, 2023. The city reported 24 permit applications for a variety of types of permits at 945 and 965 Capstone Drive, 955 Mound Road, 885 Mound Road, and 1270-1374 Vanguard Boulevard during that period. The types of permits applied for were certificates of occupancy, rezoning, interior restoration and modifications, maintenance, and sprinkler modifications.

In general, the permit review process demonstrated that the city's recordkeeping system is adequate for LM to identify site activities that could affect IC compliance.

### 6.2.1.3 LM IC Informational Handout with Permit Applications

The city has agreed to provide an LM handout that describes the IC restrictions to contractors applying for work permits on the Mound site. A copy of the sheet handout is included in Appendix A.

The city planner advised that the permit office is providing this handout.

## **6.2.2 Mound Development Corporation**

### **6.2.2.1 Oversight of Mound Business Park**

The MDC staff includes the MDC Mound site property manager. The Miamisburg city development director has signature authority for MDC (e.g., the development director can sign leases and property deeds).

MDC contracts with the Turner Property Services Group, Inc. (Turner) to maintain all common areas and properties owned by MDC and the city. Turner monitors vendors' work and conformance with technical requirements, and its property manager inspects jobs completed by a vendor. The Turner property manager confirmed that the current landscaping company has been notified of the requirements listed below at the Mound site involving the soil.

MDC or Turner provides a prework package to vendors that includes a description of the CERCLA ICs. MDC includes the following language in the "Technical Requirements" section of its requests for proposal and subsequent work orders: "Excavated soils must be managed and remain on MDC property. Soils from excavation shall be placed at an onsite location, as directed by MDC."

In July 2023, MDC will remove property management from the contract with Turner, and April Hauser of MDC will assume those duties. Turner will remain the maintenance contractor for MDC.

MDC's *Comprehensive Reuse Plan Update* (MMCIC 2003) is available in the CERCLA Reading Room and online at the "[Administrative Record Index](#)" [LM Mound Site webpage](#). To coordinate the movement of soil within the boundaries of the Mound site, the MDC Comprehensive Reuse Plan (CRP) included a sitewide soil-grading plan. The CRP was incorporated into the city's comprehensive plan, which is the basis for property zoning within Miamisburg city limits.

### **6.2.2.2 MDC and City Property Transfer Agreement**

City Ordinance 6393, enacted on April 16, 2013, included a transfer agreement that authorized the city manager to enter into a property transfer agreement between the city and MDC. The agreement stated, "The City and MDC will each have the right to access the property as necessary for their own interests, but the City agrees to adopt rules as needed to prohibit the use of the property by the public generally."

There were no transfers between MDC and the city during this review period.

## **6.2.3 Montgomery County Auditor Property Records: Platting, Transfers, Sales, and Deeds**

One property sale and one ownership name change during this review period were reported or found in the Montgomery County auditor's property records:

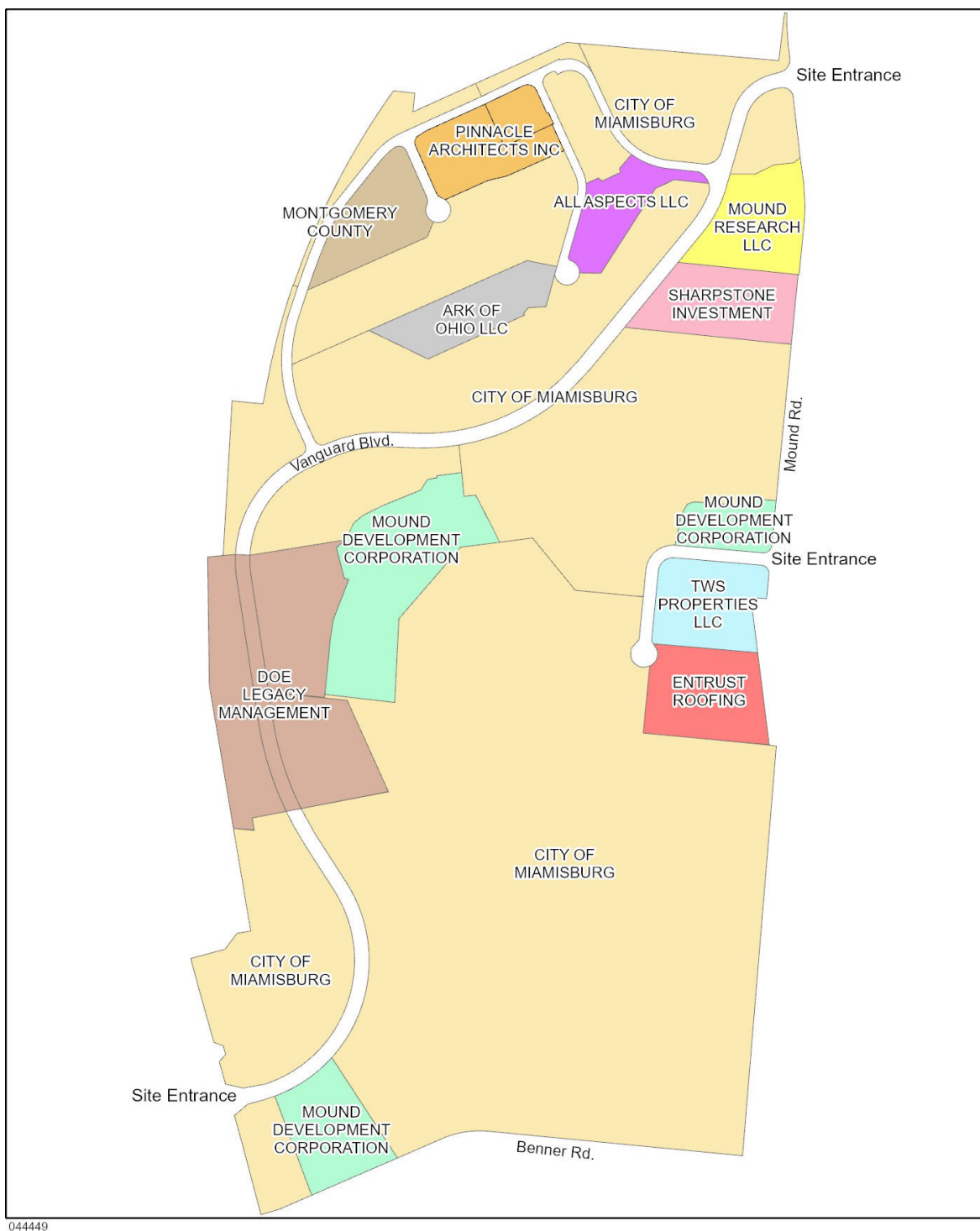
- Kierston Olivia LLC transferred ownership of Mound Lot 8044, at 930 Capstone Drive (Parcel ID: K46-01507-0045) to All Aspects, LLC.



- Patriot Communications LLC changed its name to The Ark of Ohio LLC. This is T Building at 945 Capstone Drive (Parcel ID: K46 00501 0019).

There were no property transfers between MDC and the city during this review period.

Figure 4 provides the current property ownership for the Mound site recorded to date.



**Figure 4. Current Mound Site Property Ownership**

Appendix B contains four tables detailing building and property ownership: Table B-1, “Mound Site Building Identifications, Street Addresses, Ownership, County Parcels”; Table B-2, “Mound Site Buildings Demolished by MDC”; Table B-3, “Mound Site Property Details—April 6, 2023”; and Table B-4, “Acreage Reconciliations.”

## 6.2.4 State of Ohio

### 6.2.4.1 Ohio Department of Natural Resources Well Log Registry

Because ICs prohibit the use of groundwater, LM reviews the ODNR webpage to identify any new wells onsite not related to LM groundwater monitoring. This effort will be more useful in the future when ownership of the entire site has been transferred or sold. LM maintains a crosswalk of LM well numbers and the corresponding ODNR identification numbers for future well verifications.

Based on review of the ODNR log registry, LM did not identify any new wells on the Mound site during the review period.

### 6.2.4.2 Ohio 811 Program Notifications

LM has identified and implemented an additional, unrecorded layer of protectiveness at the Mound site by joining the 811 Call Before You Dig program. The 811 program was previously known as the Ohio Utilities Projection Service. Joining the 811 program has allowed LM to raise awareness about ICs more effectively with the city and utility companies and to alert site management of potential violations of the ICs, if identified activities occurred as proposed.

Since joining the 811 program in the August 2022, the LMS contractor has received a total of 12 notification tickets through March 29, 2023. These tickets are electronic (email) notifications to LMS staff and MDC that indicate the address or area where a contractor is proposing to work inside the Mound development; the notifications also give brief descriptions of the type of work the contractor is planning to conduct. Table 4 summarizes the dates, work locations, and work types for the tickets received from August 2022 through March 2023.

*Table 4. Summary of 811 Notifications*

<b>Date of Notification</b>	<b>Address of Work Area</b>	<b>Work Type</b>
9/21/2022	855 Mound Road and Vanguard Boulevard	Driveway installation at Building 61 warehouse
10/14/2022	North side of Benner Road	Sign installation
1/11–18/2023 (8 tickets)	Benner Road, Vanguard Boulevard, Mound Avenue, Mound Road	DP&L Inc. pole inspections
2/21/2023	600 Mound Avenue	Cable installation
3/29/2023 (2 tickets)	Mound Road and Vanguard Boulevard	Fiberoptic cable installation

No evidence of IC noncompliance was observed in connection with any of the 811 ticket notifications.

### **6.2.5 Mound Core Team Records—Requests from Property Owners**

During a previous IC review period, Pinnacle Architects Inc. (Pinnacle), the owner of the former Operational Support East Building (OSE Building), requested that the following uses be allowed on the property:

- Conference center—special event venue with catered food and drink
- Restaurant—sale of food to the public with cafeteria and dining room
- Medical office—physician offices for routine medical services

The Mound Core Team evaluated and responded to the request using the new Core Team process mentioned in Section 5.3.3. The complete LM response to Pinnacle, included in Appendix E stated:

“The Mound Site Core Team approved this request. LM, in consultation with EPA and Ohio EPA, concluded the proposed activity uses along with the proposed bounding conditions provided in the Pinnacle request (and if followed by property owner, tenants, or visitors) would not result in unsafe exposures for either employees over the age of 16 years or adult or child visitors.

“It is important to understand this approval only applies to the activities specified in the above referenced request proposed in the former OSE Building. Additionally, this approval does not state nor imply a blanket approval for other new activities in the OSE Building or any other buildings within the former Mound Site’s boundaries.

“This decision has been made in accordance with CERCLA requirements only and is independent of any state or local ordinances or zoning actions, as the U.S. government has no control over such activities.”

Appendix E contains the Core Team process developed to evaluate these requests and its evaluation and response to Pinnacle.

There were no new requests to the Core Team for new Mound site activities during the review period.

### **6.2.6 LM Records—Property Owners’ IC Compliance Forms**

All current and future property owners are responsible for activities on their property and must ensure that contractors performing work understand and comply with the Mound site ICs.

LM asks owners to read, sign, and return the IC compliance form. LM received signed forms from three of the 10 property owners. Copies of the form and email correspondence are included in Appendix A.

## 6.3 Physical Inspections

### 6.3.1 Overview

The 2023 physical inspections examined the effectiveness of the IC remedy and the pump-and-treatment system in Building 300, which is one of the physical components of the groundwater remedies. All of the wells and seeps were inspected and photographed in 2021 and documented in the 2021 FYR (DOE 2021).

As part of general site oversight, LMS contractor personnel periodically observed site activities throughout the review period for changed conditions that could indicate violations of ICs. These include soil removal, groundwater well installation, or land use other than industrial or commercial.

Qualified LMS contractor personnel conducted physical inspections of the site. Inspectors observed the former RCRA burn area, areas east of OU-1, and areas along Vanguard Boulevard, Enterprise Court, Vantage Point, Innovation Way, and Capstone Drive.

The following sections describe the results of the physical inspections, including the IC walkdown on April 20, 2023.

### 6.3.2 Former RCRA Burn Area

Photos taken during the LMS IC inspectors' April physical inspections for the 2023 IC assessment in the city-owned former RCRA burn area are shown in Figure 5 through Figure 10.

The LMS IC inspectors did not observe any changes or evidence of any new activities within the defined former RCRA burn area since the 2022 physical inspection.

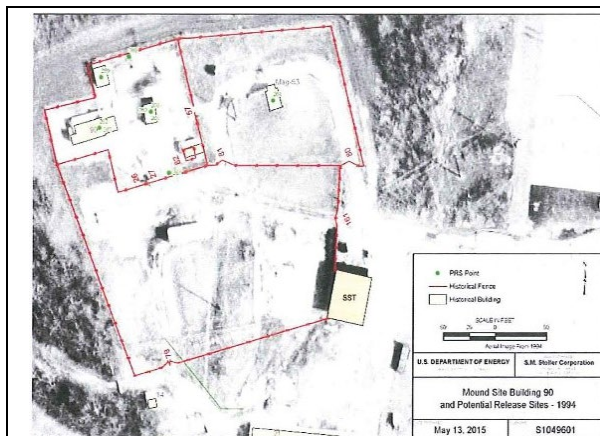


*Figure 5. Sign on Gate Looking West Toward the Former RCRA Burn Area*



*Figure 6. Looking West from Gate Toward the Former RCRA Burn Area*





*Figure 7. Diagram of RCRA Burn Area Boundary (salt shed is not within the boundary)*



*Figure 8. Looking West Toward Salt Shed at Boundary of Former RCRA Burn Area (salt shed is not within the boundary)*



*Figure 9. Looking West from Corner of Salt Shed Toward Former RCRA Burn Area (salt shed is not within the boundary)*



*Figure 10. IC Inspection Team Looking West, Near Former RCRA Burn Area*

A sign on the entrance gate shown in Figure 5 indicates that the Miami Valley Fire District uses the area adjoining the former RCRA burn area for training. Several large storage containers are on the large concrete pad.

### 6.3.3 MDC Soil Staging Area

Inspectors observed no evidence that the MDC-designated onsite soil staging area west of Vanguard Boulevard was used during the IC assessment review.

### 6.3.4 T Building Special IC Areas

#### 6.3.4.1 Background

The IC assessment inspections only cover the designated areas within T Building to which special ICs apply (i.e., survey units 1C-06, 1C-07, 1C-08, 1C-09, 1C-10, 1C-11, 1C-12, 1C-15, 1C-16, 1C-21, 1S-10, and SYS-02A/B/C), as shown in Figure 11. Survey units are shown in red

lettering, and room numbers are shown in black lettering. The red crosshatched areas are those covered with red concrete.

The special ICs for T Building prohibit (1) the penetration of concrete in the areas covered with red concrete (1C-10 and 1C-21) and (2) the removal of concrete in the other areas without prior approval from EPA, Ohio EPA, and ODH.

#### **6.3.4.2 Red Concrete Cracks**

After the Parcels 6, 7, and 8 ROD was approved, LM added those parcels to the 2010 annual IC assessment. During that physical inspection, inspectors noted small cracks in the red concrete in the special IC areas 1C-10 and 1C-21 of T Building. LM added closeup photographs of nine representative areas containing cracks in the 2012 annual IC assessment.

As detailed in the 2014 annual IC assessment report (DOE 2014), LM conducted extensive document and records reviews and interviews with individuals with historical knowledge of the T Building cleanup and installation of the red concrete cap. LM concluded that the cracks in the concrete were not a safety and health issue as long as the concrete remained structurally sound.

As a best management practice as the building owner at that time, LM filled the cracks in February 2015 with ATC 100, which is a single-component, elastomeric sealant without free isocyanates or solvents (i.e., volatile organic compounds). During the IC assessments for 2015–2022, inspectors found that the filler appears to be still sealing the cracks.

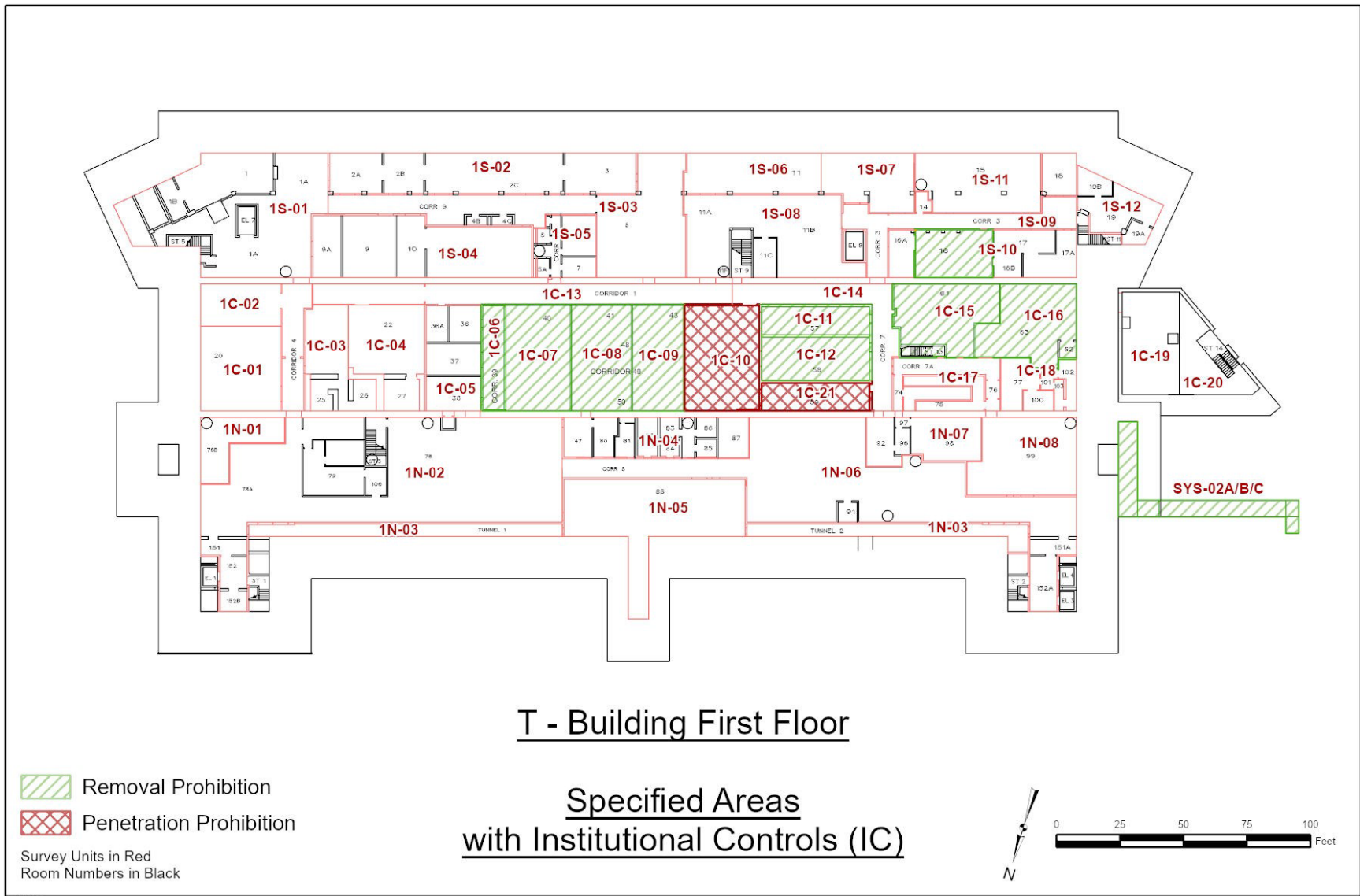
LM discontinued taking example closeup photographs of the cracks in areas A through I in the red concrete after the building transferred to private ownership in 2018. Appendix C contains the final LM closeup photographs of the sealed cracks in those example areas A through I that were taken in 2018. It also includes the product specification sheet for the ATC 100 filler. The T Building property owner is aware that the annual LM assessment of ICs will include a physical inspection of the special IC areas, regardless of whether the addition of new flooring obscures the concrete floor.

#### **6.3.4.3 2023 T Building Inspection During IC Walkdown**

LMS inspectors conducted a physical inspection of the T Building special IC areas shown in Figure 11 and the sump area in Room 99 outside of the door to SYS-02A/B/C on April 20, 2023, as shown in Figure 12 through Figure 21.

Inspectors were escorted by Travis Wright from Details by Desire. He advised that there had been no activities in the special IC areas within T Building during the review period. Mr. Wright provided lighting in the IC areas sufficient for the inspectors during this walkdown.

The cracks appeared to have remain sealed, and the red concrete cap appeared to be structurally sound. Inspectors did not observe any violations of the ICs.



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Figure 11. T Building First Floor Plan with Special IC Areas





*Figure 12. April 20, 2023, IC Walkdown Group Entering T Building Tunnel*



*Figure 13. Toward the Red Concrete Cap (1C-10) Looking West from Large Bay Area*



*Figure 14. Walkdown Tour Group Inspecting Red Concrete Cap (1C-10)*

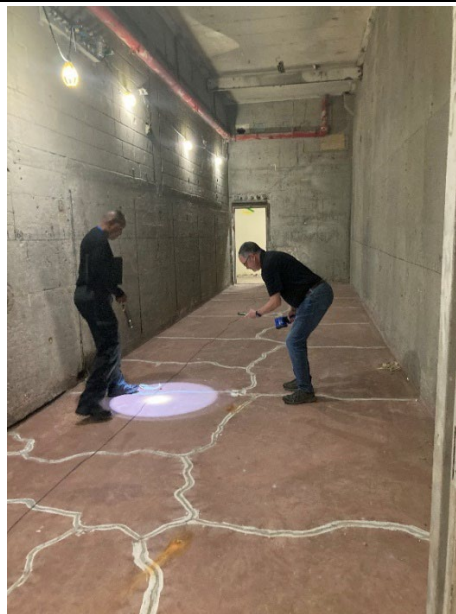


*Figure 15. Closeup of Sealed Crack in the Red Concrete (1C-10)*





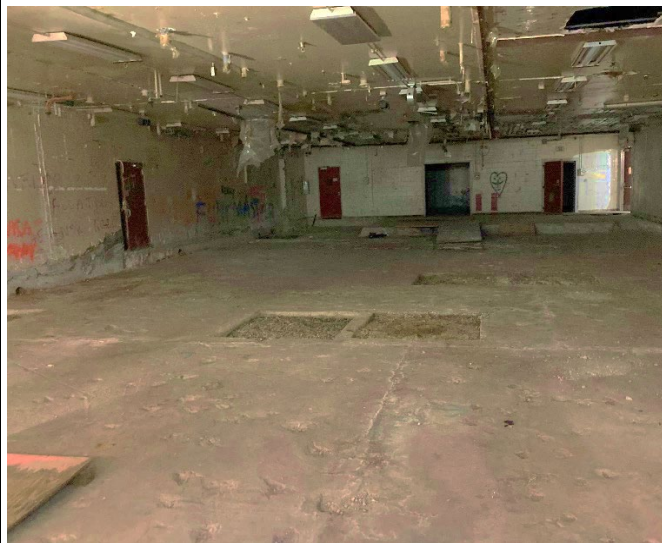
*Figure 16. Floor in Room T-59 (1C-21)*



*Figure 17. Inspecting Sealed Cracks in Red Concrete Floor*



*Figure 18. Inspecting Floors in Special Areas of T Building*



*Figure 19. View from the Concrete Cap (1C-10) Looking East Toward Large Bay Area*



Figure 20. Access Door from Room 99 to  
SYS 02-A/B/C Tunnel



Figure 21. Entrance to T Building

### 6.3.5 General Site Observations During Physical Inspections

#### 6.3.5.1 Unused or Uninhabited Buildings

- **930 Capstone Drive Former Building 45:** Inspectors noted that this building was empty and has a “For Sale or Lease” sign on it (Figure 22)
- **885 Mound Road Former Building 61:** Inspectors noted that this building appeared to be minimally occupied (Figure 23)
- **955 Mound Road Former Building 126:** Inspectors noted that this building appeared to be occupied (Figure 24)
- **480 Vantage Point Former OSE Building:** Inspectors noted that this building appeared to be minimally occupied with only a few cars in the parking lot (Figure 25)





*Figure 22. 930 Capstone Drive  
(former Building 45) Unoccupied*



*Figure 23. 885 Mound Road (former Building 61)*



*Figure 24. 955 Mound Road (former Building 126)*



*Figure 25. 480 Vantage Point  
(former OSE Building)*

### **6.3.5.2 Signs Near Pond**

Inspectors observed “No Trespassing” and “NOTICE: Keep out of Pond, No Swimming, No Fishing, No Boating” signs around the pond near the southwest site entrance (Figure 26 and Figure 27). The pond near the southwestern entry to the Mound Business Park retains stormwater runoff.



Figure 26. Sign Near MDC/City Pond Near Southwest Site Entrance



Figure 27. Sign East of MDC/City Pond Visible from Vanguard Boulevard

The MDC/city signs are not an IC. However, they inform the public not to trespass. Fishing in the pond is an example of trespassing. Such land use would not be consistent with the ICs; recreational use is in the list of specifically restricted land uses. The Core Team agreed in 2011 on the following position regarding signage at the pond:

“The Second Five-Year Review for the DOE Mound site recommended that the issue of adequate signage around the Parcel 4 retention basin be addressed by DOE, EPA, and Ohio EPA. Signs placed around the basin to inform area visitors that recreational use around the basin is prohibited have been damaged and removed on several occasions by members of the public.

“After reconsidering the exposure assumptions that were used to develop the industrial commercial cleanup standards for the Mound site, DOE, EPA, and Ohio EPA have reached the conclusion that occasional visits to the retention pond by area residents will not result in an unacceptable risk to the visitors. Even so, DOE and the MDC will continue to monitor and discourage these unauthorized uses of the Parcel 4 retention basin area. No further action is required to assure protectiveness of human health or the environment.”

Additional discussion on the signage near the pond is included in the *Core Team IC Guidance* (DOE 2012a) in Appendix D.

### 6.3.5.3 OU-1 Area in Parcel 9

The April 20, 2023, walkdown included a stop at the OU-1 area and Building 300.

Although not an IC, the OU-1 pump-and-treatment system that is a physical component of the groundwater remedy appeared to be in good physical condition, according to LMS inspectors. The pump-and-treatment equipment in Building 300 is in standby mode until the final OU-1 groundwater remedy is complete.

Figure 28 through Figure 33 show the OU-1 area within Parcel 9. Figure 34 through Figure 36 show Building 300 and the OU-1 remedy pump-and-treatment system.





*Figure 28. Walkdown Tour in the OU-1 Area Parking Lot*



*Figure 29. OU-1 Area East of Trailer*



*Figure 30. OU-1 Area Trailer at 1275 Vanguard Boulevard*



*Figure 31. OU-1 Area Trailer Looking West Toward Building 300*



*Figure 32. OU-1 Area Looking North from Trailer*



*Figure 33. OU-1 Area Looking Northeast Toward Building at 1100 Vanguard Boulevard*

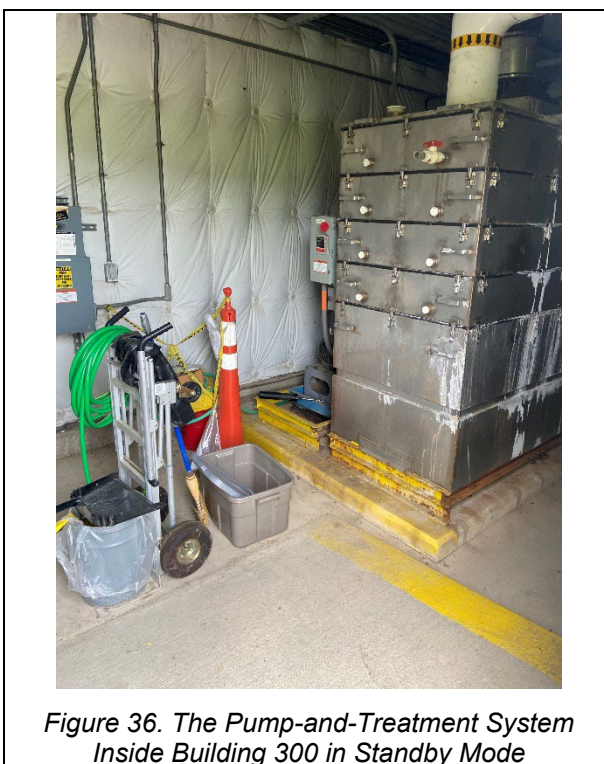




*Figure 34. IC Walkdown Tour Inspecting Building 300, Which Houses the Pump-and-Treatment System*



*Figure 35. Building 300*



*Figure 36. The Pump-and-Treatment System Inside Building 300 in Standby Mode*

DOE submitted the *Amendment to the Record of Decision for Operable Unit 1 of the Mound Site* (DOE 2023) to EPA and Ohio EPA for their review and comment on April 7, 2023.

### 6.3.6 Physical Inspection Results

There were no observations of noncompliance with the ICs in any ROD parcel for the Mound site. In particular, there was no evidence of unauthorized groundwater well installation, soil removal, or site activities inconsistent with industrial or commercial use within any ROD parcel.

## 6.4 Communications with Property Owners

LM provides information on the Mound site ICs to all property owners each year during the IC assessment via a combination of email, phone, and face-to-face meetings. LM reviews the purpose and legal requirements for the ICs to emphasize their importance and to maintain institutional awareness of all ICs. LM gives each owner the IC compliance form to complete and return. Completed forms returned to LM are included in Appendix A.

LM invited all property owners to a teleconference on April 13, 2023 with Tiffany Drake, LM Mound site manager, to review the ICs and the property owners' responsibilities.

## 7.0 Conclusions and Recommendations

The 2023 annual IC assessment determined that the ICs continue to function as designed, adequate oversight mechanisms are in place to identify possible violations of ICs, and adequate resources are available to correct or mitigate any problems if violations occur. There were no recommendations from this assessment.

## 8.0 Contact Information

For further information on the content of this annual IC assessment report or the DOE Mound site property in general, contact:

Tiffany Drake  
Mound Site Manager  
U.S. Department of Energy  
Office of Legacy Management  
7295 Highway 94 South  
St. Charles, MO 63304  
[tiffany.drake@lm.doe.gov](mailto:tiffany.drake@lm.doe.gov)  
Cell: (636) 485-0036  
Alternate email: [mound@lm.doe.gov](mailto:mound@lm.doe.gov)

For further information on the regulatory guidelines that govern the CERCLA 120(h) process for property transfer of DOE Mound site property, contact either or both of the following people:

Syed Quadri, PMP  
Remedial Project Manager  
U.S. Environmental Protection Agency  
Remedial Response Section # 5  
77 West Jackson Boulevard, Mail Code SR-6J  
Chicago, IL 60604-3507  
[quadri.syed@epa.gov](mailto:quadri.syed@epa.gov)  
Telephone: (312) 886-5736  
Fax: (312) 353-8426

Scott Glum  
Site Coordinator  
Ohio Environmental Protection Agency  
Southwest District Office  
Division of Environmental Response and Revitalization  
401 East Fifth Street  
Dayton, OH 45402-2911  
Office phone: (937) 285-6065  
Fax: (937) 285-6404  
[scott.glum@epa.ohio.gov](mailto:scott.glum@epa.ohio.gov)

## 9.0 References

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## **Appendix A**

### **Annual Assessment Checklist with Supporting Documents**

## Contents

1. IC Assessment Walkdown Checklist April 20, 2023.
2. IC Assessment Walkdown Pre-inspection Presentation April 20, 2023.
3. Attendance Sheet for IC Assessment Walkdown Preliminary Inspection Presentation.
4. Ohio EPA letter, April 19, 2016, “U.S. DOE Mound Plant Burn Area Closure and Annual RCRA Institutional Control Inspection,” advised that LM’s IC Assessment satisfies Ohio EPA’s RCRA annual IC reporting requirement. LM will include this letter in all future IC reports.
5. LM IC Information Sheet for Handout to City of Miamisburg Permit Requestors.
6. Mound Site Landowners IC Compliance Forms: Three returned in 2023.
  - Form from Jerry Abner, Mound Research LLC.
  - Form from April Hauser, MDC
  - Form from Jay Wheeler, Montgomery County Sheriff’s Office

**Mound, Ohio, Site (Mound Site)**  
**2023 LM Institutional Controls (ICs) Compliance Assessment Checklist**  
**This checklist summarizes information from all inspections**

**IC Assessment began in** March 2023.

**Physical inspection walkdown with regulators and review of preliminary inspection results:** April 20, 2023  
**Review presented by:** Tiffany Drake, Mound LM site manager

**Participants at walkdown:** See attached attendance sheet

Status of any outstanding IC issues or recommendations from previous annual IC assessment reports, follow-up inspections, five-year reviews, etc.:

Origin	Issue/ Recommendation	Status 2023
2016 Annual IC Assessment	Clarify that the two areas in Phase I and BOI (Now GoKeyless) Tract 2 to the center line of Mound Road are exempted from the soil-removal IC.	<b>IN PROCESS</b> EM LM provided draft Release Document to EPA and Ohio EPA on 2/26/2017. Graphic to ODH on 3/21 and to Ohio EPA 4/13/17. Requires signature of current property owners Sharpstone (GoKeyless) transferred this area to City of Miamisburg for Mound Road right of way.
2017, 2018, 2019, 2020, 2021, and 2022 Annual IC Assessments	None identified	n/a
2021 Five-Year Review	None identified relating to IC remedies	n/a

**Describe major physical property changes since the previous IC assessment. (Buildings demolished or erected, extensive landscaping, roads or parking lots constructed or modified, and so on?)**

Inspectors did not observe, nor were made aware of, any construction activities or soil disturbance on the Mound site in which soil was removed from the site.

**List individuals involved with the records or document reviews, discussions with property owners, and those interviewed as property owners.**

LM/LMS contractor emailed the *Mound Site Landowners - Institutional Control Compliance Form* to each landowner of record to complete, sign, and return. No forms were returned in 2023.

LM also invited representatives of property owners to a teleconference on April 13, 2023, to review the ICs.

Attendees:

- April Hauser, Property Manager, MDC
- Chris Fine, Development Director, City of Miamisburg
- Tiffany Drake, DOE-LM
- Greg Lupton, Joyce Massie, Jodi Keller, Gary Weidenbach and Becky Cato, LMS contractors

Greg Lupton, LMS contractor, provided managerial support. Joyce Massie, Jodi Keller & Gary Weidenbach, LMS contractors, conducted physical inspections including walkdown, took photos, reviewed records, compiled and analyzed the inspection information, assembled the April 20<sup>th</sup> presentation, wrote, and coordinated technical editing of the IC Report, and coordinated report reviews.

Leslie Karacia and Abby Branham, Engineering Department, City of Miamisburg, responded to inquiries on the city permits.

LM/LMS also added staff to the 811 (Call Before You Dig) Notification system as another source of protective and all of the notifications were reviewed and summarized in the report. No evidence of non-compliance during this review.

**Mound, Ohio, Site (Mound Site)**  
**2023 LM Institutional Controls (ICs) Compliance Assessment Checklist**  
**This checklist summarizes information from all inspections**

**List site use requests for site activities not covered by industrial/commercial use. Include copies of requests and regulators' responses in IC report.**

No new requests other than the new zoning request described below for T-Building.

**List the city, township, county, and state records reviewed for the period of the review. e.g., street opening permits or construction permits, engineering drawings for improvements to property, aerial photographs, maps, City Planning Commission requests, and Ohio Department of Natural Resources (ODNR) well logs.**

LM Reviewed the list of 24 permits provided by the city during the 2023 assessment, no evidence of IC non-compliance concerns were noted during this review.

No new wells were found on the ODNR well log web page.

**On the basis of the review of documents and interviews, were property improvements covered by the appropriate approvals? (For example, were construction permits approved by the City of Miamisburg?)**

IC inspector found no evidence of work performed within Mound site boundary in manner that was not compliant with the ICs

**Based on the review of MDC Reuse Plan Update, Miamisburg Zoning Map, and Miamisburg Land Use Plan, were any changes made to those documents that affect IC compliance?**

On March 21, 2023, the City of Miamisburg, issued an amended ordinance (Ord. 7006) to rezone the property located at 945 Capstone Drive (City Lot#8058, T-Building) from Mound Business (MB-1) to Special Development District (SDD-3). This zoning change allows the owner to conduct specialized automotive manufacturing and storage within the building.



**List the property ownership changes. List the legal property documents reviewed to determine if ownership had changed (e.g., quitclaim deeds, environmental covenants, county property records).**

Three deeds changing ownership for seven Mound site parcels were found on the Montgomery County Auditor's website, [Montgomery County \(mcrealestate.org\)](http://Montgomery County (mcrealestate.org)). The ownership changes were also found on the Montgomery County Recorder's website, [RISS | Montgomery County, OH \(mcrecorder.org\)](http://RISS | Montgomery County, OH (mcrecorder.org))

- 7-8-2022 Limited Warranty Deed (dated October 26, 2018) No. 2018-00064592 and Quit Claim Deed No.2019-00064592 between MDC and Patriot Communications LLC conveyed Patriot Lot 8058 (access easement), 8066 (access easement), 8067 (parking walkway easement), and 8069 (temporary easement for ingress/egress).
- 1-19-2023 General Warranty Deed No. 2017-00045600 Kierston Olivia LLC to All Aspects LLC transfers ownership of Mound Lot 8044, address of 930 Capstone Circle which is Parcel ID: K46-01507-0045.
- 1-25-2023 Limited Warranty Deed No. 2019-28128, name change from Patriot to The Ark of Ohio LLC





**Mound, Ohio, Site (Mound Site)**  
**2023 LM Institutional Controls (ICs) Compliance Assessment Checklist**  
 This checklist summarizes information from all inspections



**If property ownership changed, were the requirements for IC compliance included in the legal documents (deeds, etc.) filed with Montgomery County?**

All three deeds referenced previous deeds including the deeds specifically referenced the ICs and Environmental Covenant (EC) requirement.

**For parcels covered by Parcel 9 environmental covenant, was Ohio EPA notified of the property transfers?**  
 No.

**Mound, Ohio, Site (Mound Site)**  
**2023 LM Institutional Controls (ICs) Compliance Assessment Checklist**  
**This checklist summarizes information from all inspections**

**Provide detail on any other issues identified during this assessment.**

No other issues specifically relating to ICs were identified.

**Were there any reported issues relating to access by DOE, EPA, Ohio EPA, ODH, their agents, contractors, or employees to property to implement or enforce the ICs?** None reported

**Observations during physical inspections:**

**Evidence of unauthorized soil removal?** No.

**Evidence of unauthorized groundwater use?** No.

**Evidence of land use other than “industrial” (e.g., residential)?** No

**T Building only - areas with additional institutional controls. Have ICs been followed?**

No evidence of penetration or removal of concrete in special IC areas.

Sufficient lighting was available during the walkdown.

**Based on physical inspections, records reviews, questionnaires, and interviews, was there evidence of IC noncompliance?** No

**Recommendations from 2022 IC inspections or records reviews:** None

**Recommendations from participants in the April 20, 2023, IC walkdown:** None

**Conclusion/comments:** No recommendations from the 2023 IC assessment.

# IC Assessment Walkdown Checklist

April 20, 2023

<b>Mound, Ohio, Site (Mound Site)</b> <b>2023 LM Institutional Controls (ICs) Compliance Assessment</b>
(Completion of this form by attendees is optional.) Return to <a href="mailto:Mound@lm.doe.gov">Mound@lm.doe.gov</a>
<b>Physical inspection walkdown with regulators on:</b> April 20, 2023 <b>Review and walkdown led by:</b> Tiffany Drake, DOE LM
<b>Are you aware of any issues relating to access to property by DOE, EPA, Ohio EPA, ODH, their agents, contractors, or employees to implement or enforce the ICs?</b> No
<b>Observations during walkdown:</b>
<ul style="list-style-type: none"><li>• Evidence of unauthorized soil removal? None</li></ul>
<ul style="list-style-type: none"><li>• Evidence of unauthorized groundwater use? None</li></ul>
<ul style="list-style-type: none"><li>• Evidence of land use other than “industrial” (e.g., residential)? None</li></ul>
<ul style="list-style-type: none"><li>• Evidence of penetration into red concrete or removal of concrete from T Building special IC areas? None</li></ul>
<b>Based on information presented today and this walkdown, was there evidence of IC noncompliance?</b> None
<b>Were there other non-IC items noted during this walkdown that could relate to IC compliance?</b> No
<b>List other observations or comments you have from this April 20, 2023, physical walkdown of the Mound, OH, site. No recommendations or actions.</b>
<b>Name and Organization.</b> LMS Contract, Jodi Keller.

**IC Assessment Walkdown Preinspection Presentation**  
**April 20, 2023**



# 2023 Annual Assessment of Institutional Controls at the Mound, Ohio, Site

## *Preliminary Inspection Results*

Tiffany Drake  
Mound Site Manager  
U.S. Department of Energy (DOE)  
Office of Legacy Management (LM)  
April 20, 2023

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## Agenda – Mound Site IC Assessment Walkdown

- 9:00 a.m. Welcome and Introductions
- 9:05 – 10:05 a.m. LM presentation, discussions, safety briefing
- 10:10 – 11:45 a.m. Walking and driving tour (personal cars)
  - T Building - 1<sup>st</sup> floor (limited to those necessary)
  - Main hill area and on-site roadways
  - RCRA Burn Area
  - OU-1
  - Drive to any other areas as requested.
  - Return to MCWDC conference room for any Q&A



2

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## Institutional Controls

- Institutional controls (ICs) are:
  - Important part of CERCLA remedy.
  - Used as legal and administrative tools.
  - Designed to protect human health and the environment.



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## Mound Site Institutional Controls

- Implemented under the authority of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA).
- Defined as part of the remedy in CERCLA Records of Decision (RODs).
- Run with the land in the form of activity and use limitations.
- Incorporated into DOE quitclaim deed restrictions and/or the Parcel 9 Environmental Covenant recorded with Montgomery County.
- Apply to all future land and groundwater uses, including removal of soil from footprint of original DOE Mound Plant boundary.



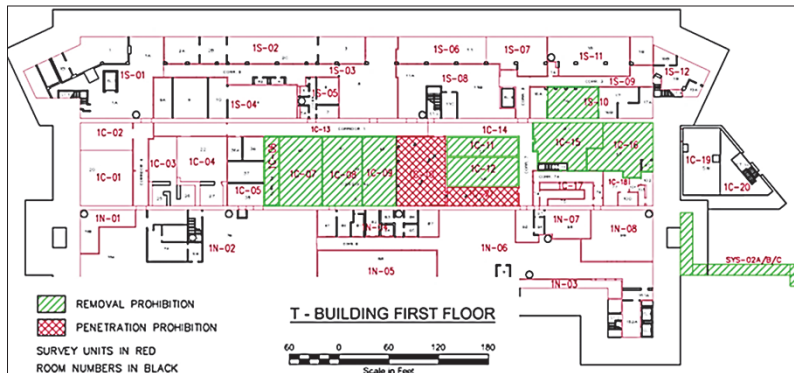
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## Special ICs Apply to Certain Areas in T-Building

- Prohibit penetration of red concrete floors (**red areas**).\*
- Prohibit removal of concrete floor material (**green areas**).\*



\*Without prior approval from the EPA, Ohio EPA, and ODH.



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## Purpose of Annual IC Assessments

- Determine whether:
  - ICs continue to function as designed.
  - Adequate oversight mechanisms are in place to identify possible violations of ICs.
  - Sufficient resources are available to correct or mitigate any problems if violations occur.
- Examine changes that could indicate an IC violation, such as:
  - Land use other than for industrial or commercial.
  - Unapproved use of groundwater.
  - Unapproved removal of soil from original 306-acre site footprint.
  - Unapproved penetration or removal of concrete from special IC areas on T Building - first floor.



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## Annual IC Assessment Process

- Review status of previous findings or recommendations.
- Review site information
- Conduct preliminary physical inspections.
  - Identify any non-compliance with ICs.
  - Identify other changed site conditions (e.g., construction).
  - Document observations or information gathered throughout the assessment period.
- Review applicable local and state records, including but not limited to:
  - Montgomery County property records.
  - City of Miamisburg permits.
    - Construction, street opening, building occupancy, etc.
    - Zoning modification requests.
  - Ohio Department of Natural Resources (ODNR) website for well drilling and abandonments.



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## Annual IC Assessment Process (continued)

- Host a teleconference with site property owners to review ICs and discuss any issues (scheduled for 4/13/23 at 10 am)
- Request site property owners to review ICs and sign compliance form.
- Conduct a site walk down with regulators, MDC, and the City of Miamisburg
- Publish IC assessment report by June 15 of each year \*



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\* per EPA/Ohio EPA agreement

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## Previous IC Assessment Recommendations

Source	Recommendation	Status in 2022
2016 IC Report	Clarify that the two areas (Phase I and GoKeyless Tract 2 to the center line of Mound Road) are exempted from the soil-removal IC.  Note: Quitclaim deeds for all other parcels along Mound and Benner roads contain the exemption wording.	<b>IN PROCESS</b> Quitclaim deeds did not include the soil exemption language for those two areas (exemption should apply).  LM, EPA, Ohio EPA, and ODH are working to resolve.  Note: Go Keyless (Sharpstone) transferred the Tract 2 area to city of Miamisburg for road right of way in August 2019.
2022 IC	No Recommendations Made	
2023 IC	No Recommendation from preliminary IC Assessment work	



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## 2023 IC Compliance Assessment Observations

- No prohibited land use was observed.
- No unauthorized groundwater wells were observed or noted on the ODNR well log internet site.
- No evidence of soil removal from the original footprint of the Mound site was observed.
- One new property owner
- One property owner LLC name change
- One new local ordinance (zoning change) for the T Building
- On July 1st April with MDC will assume the oversight of property management from Turner. Turner will remain the contractor for maintenance.
- Abby Dunham replaced Leslie Karacia at City of Miamisburg Permit office
- Summary of LMS/LM 811 Notifications during April 2022-March 2023

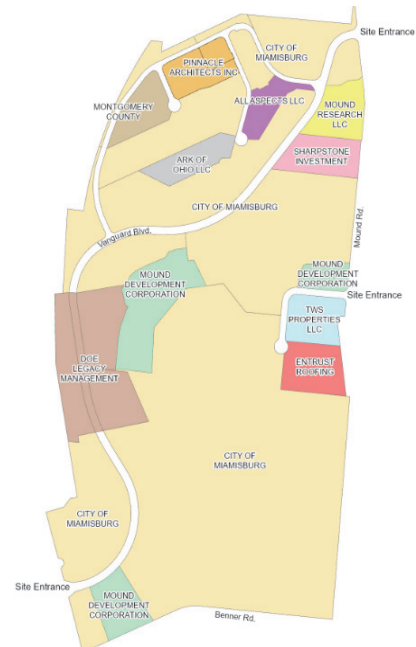


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## Property Ownership

- Observed one property ownership change:
  - All Aspects LLC, Building 45, 930 Capstone Drive, Mr. Ahmed Abouzeid (**purple**)
- Observed one property ownership name change:
  - Patriot Communications changed LLC to Ark of Ohio. This is a LLC name change, not a new owner (**gray**)



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## Local Ordinance Update

- City approved a new zoning Ordinance No. 7006 on March 21, 2023
- Only affects the 945 Capstone Drive (T Building)
- Special Development District (SDD-3)
- Permits automotive redesign, storage, and custom modifications for Mr. Thomae.
- [Public Meeting Link](#)



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## Ohio 811 "call before you dig" program

- In 2022 LM initiated this additional method for IC monitoring.
- No evidence of IC violations observed due to these notifications

Date	Location	Work Type
09/21/2022	855 Mound Road & Vanguard Blvd.	Driveway installation at Building 61 Warehouse
10/14/2022	North side of Benner Road	Sign installation
1/11-18/2022 (8 tickets)	Cincinnati Dayton Pike, South River Rd., Benner Rd., Vanguard Blvd, Mound Ave., 8 <sup>th</sup> and 9 <sup>th</sup> Streets, Mound Rd.	DP&L pole inspections
2/21/2023	600 Mound Ave.	Cable Install
3/29/2023 (2 tickets)	Mound Road & Vanguard Blvd.	Fiber Optic & Cable Install



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## Summary of Observations to Date

- Based upon information since the last annual assessment inspection and the review of records for the 2023 annual IC assessment reporting period, there have been no observed IC violations.
- Today's site walkdown completes the physical inspections including T Building Special IC areas.
- All results will be documented in the annual IC assessment report.

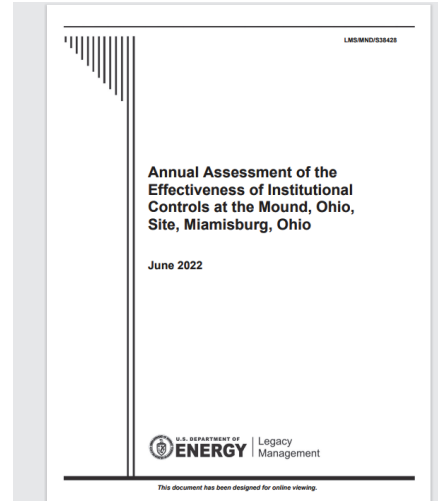


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## Annual IC Assessment Report

- Details all assessment results.
- Documents changes since 2022 annual IC assessment.
- Addresses recommendations from previous reports.
- Contains checklist of observations.
- Contains photos.
- Published and distributed by email by June 14, 2022.
- Uploaded to Mound site webpage at [cercla \(doe.gov\)](http://cercla.doe.gov)



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## Questions?



**Tiffany Drake**  
**Mound Site Manager**  
**U.S. Department of Energy**  
**Office of Legacy Management**  
[Tiffany.drake@lm.doe.gov](mailto:Tiffany.drake@lm.doe.gov)



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## Site Walkdown Today

- Safety briefing, review and sign job safety analysis
- Walking tour of T Building - first floor
- Tour in personal vehicles with an LM/RSI representative in each
  - Drive around all site areas
  - Stop at the RCRA Burn Area, walk
  - Stop at OU-1 area parking lot
  - Add stops as requested by participants
- Return any comments on checklist at the end of tour
- Return to MCWDC for wrap up



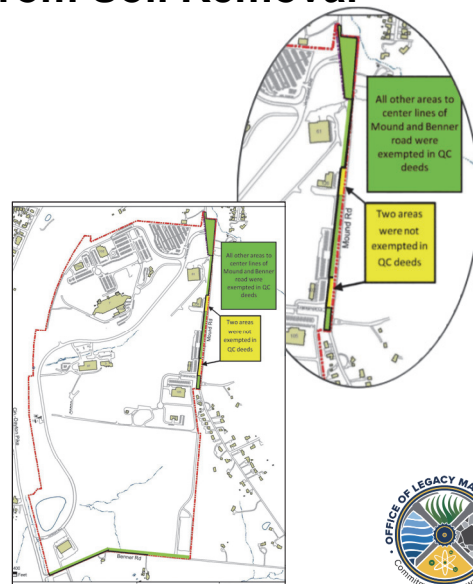
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## Off-site Roadway Exemptions from Soil Removal Restrictions

- Original site boundary extended to the center lines of Mound and Benner Roads.
- No site activities occurred in those areas.
- DOE exempted all areas along Benner Road from soil removal IC in the quitclaim deeds.
- DOE exempted *most* areas along Mound Road from the soil removal IC in the quitclaim deeds.
- Two areas to center line of Mound Road *were not exempted* from soil removal IC in those quitclaim deeds or in subsequent property transfers:
  - Go Keyless (transferred to City of Miamisburg as roadway)
  - MDC - Mound Cold War Discovery Center.

**\*\*Note\*\* All ICs apply to all on-site roadways.**



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## Attendance Sheet for IC Assessment Walkdown Preliminary Inspection Presentation

### 2023 Mound Annual IC Meeting Sign-in Sheet

Date: April 20, 2023, 9 am – 12 noon

NAME	ORGANIZATION	EMAIL	PHONE NUMBER
Jodi Keller	RSI		
Tiffany Drake	DOE-Lm		
Camille Sanders	RSI		
Joyce Messie	RSI sub		
Anthony Anderson	Ohio EPA		
Shannon Dettmer	ODH		
Even Stanifer	City of Mound		
April Hauser	MDC		
GREG LUTON	RSI		
Emily Dahlke	DEPA		
Scott Glum	Ohio EPA		

# Mound Site Landowners – Institutional Controls Compliance Form - 2023

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The United States Department of Energy (DOE) remediated the Mound Site Property to the Environmental Protection Agency's (EPA's) risk-based standards for **industrial/commercial use only**. Because the site is not approved for unlimited use, the CERCLA remedy includes institutional controls (ICs) in the form of use restrictions imposed by DOE quitclaim deeds and an Environmental Covenant.

ICs are administrative and legal controls that help minimize the potential for human exposure to contamination and/or protect the integrity of the CERCLA remedy. ICs apply to all property on the Mound site. The DOE Office of Legacy Management (LM) is required to monitor for adherence to the ICs to assure compliance.

Please acknowledge below that you understand and comply with the following ICs for the period of April 1, 2022 to March 31, 2023. The Mound Site ICs are designed to:

- 1) **Prohibit the removal of soil** from the original DOE Mound Plant Property boundaries, unless prior written approval from EPA, Ohio EPA, and Ohio Department of Health (ODH) has been obtained.
- 2) **Prohibit the extraction or consumption of, exposure to, or the use in any way of the groundwater** underlying the premises, unless prior written approval from EPA and Ohio EPA has been obtained.
- 3) **Limit land use to industrial/commercial use only.** The Record of Decision for each parcel identifies land uses that will not be permitted, but the list is not all-inclusive. Parcels may not be used for any residential or farming activities, or any activities that could result in the chronic exposure of children less than 18 years of age to soil or groundwater from the premises. Restricted uses include, but are not limited to:
  - Single or multi-family dwellings or rental units.
  - Daycare facilities.
  - Schools or other educational facilities for children less than 18 years of age.
  - Community centers, playgrounds, or other recreational or religious facilities for children less than 18 years of age.
- 4) **Prohibit the removal of concrete floor material in specified rooms of T Building** to off-site locations without prior approval from EPA, Ohio EPA, and ODH.
- 5) **Prohibit the penetration of concrete floors in specified rooms of T Building** without prior approval from EPA, Ohio EPA, and ODH.
- 1) **Allow site access** to federal and state agencies and their contractors for sampling and monitoring.

# Mound Site Landowners – Institutional Controls Compliance Form - 2023

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As a property owner or company representative, I understand and comply with these ICs.

Jerry L. Abner      [Signature]      April 13, 2023  
Printed Name      Signature      Date

Owner      Mound Research LLC  
Title      Company

885 Mound Road, Miamisburg, OH 45459  
Property Address

Please return the signed form within 15 days via email to: [mound@lm.doe.gov](mailto:mound@lm.doe.gov)

If you have any questions about the ICs, please contact:

Tiffany Drake  
Mound Site Manager  
U.S. Department of Energy  
Office of Legacy Management  
[tiffany.drake@lm.doe.gov](mailto:tiffany.drake@lm.doe.gov)

# Mound Site Landowners – Institutional Controls Compliance Form - 2023

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As a property owner or company representative, I understand and comply with these ICs.

April Hauser [Signature] 5/22/23  
Printed Name Signature Date

Property Manager MDC  
Title Company

905 Capstone Dr. Ste 252 Miamisburg, OH  
Property Address 45342

Please return the signed form within 15 days via email to: [mound@lm.doe.gov](mailto:mound@lm.doe.gov)

If you have any questions about the ICs, please contact:

Tiffany Drake  
Mound Site Manager  
U.S. Department of Energy  
Office of Legacy Management  
[tiffany.drake@lm.doe.gov](mailto:tiffany.drake@lm.doe.gov)

# Mound Site Landowners – Institutional Controls Compliance Form - 2023

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As a property owner or company representative, I understand and comply with these ICs.

JAY C. WHEELER      [Signature]      5.22.2023  
Printed Name      Signature      Date

CAPTAIN      MONTGOMERY COUNTY SHERIFF'S OFFICE  
Title      Company

460 VANTAGE PT. MIAMISBURG, OH 45342  
Property Address

Please return the signed form within 15 days via email to: [mound@lm.doe.gov](mailto:mound@lm.doe.gov)

If you have any questions about the ICs, please contact:

Tiffany Drake  
Mound Site Manager  
U.S. Department of Energy  
Office of Legacy Management  
[tiffany.drake@lm.doe.gov](mailto:tiffany.drake@lm.doe.gov)



## **Appendix B**

### **Property Ownership, Sales, and Building Information**

## **Contents**

1. Table B-1. Mound Site Building Identifications, Street Addresses, Ownership, County Parcels
2. Table B-2. Mound Site Buildings Demolished by MDC
3. Table B-3. Mound Site Property Details—April 6, 2023
4. Table B-4. Acreage Reconciliations

Table B-1. Mound Site Building Identifications, Street Addresses, Ownership, County Parcels

DOE Building ID	Former DOE Building Description	Current Building Occupant	Current Miamisburg Street Address	DOE ROD Parcel ID	Property Owner	County Parcel ID
45	Health physics calibration facility	Unoccupied	930 Capstone Drive	6	All Aspects, LLC	K46 01507 0045
61	Logistical support warehouse	Advanced Service Technologies	885 Mound Road	7 & 8	Mound Research LLC	K46 01507 0046
3	TF area destructive and environmental testing laboratory	Excelitas Technologies Corp. (Excelitas)	1100 Vanguard Boulevard	IB	MDC	K46 01507 0032
87	Explosive testing building					
100	Training and offices	Entrust Roofing, Inc.	790 Enterprise Court	D	Oscar Lopez	K46 01507 0031
102	Offices, process support building	Mound Cold War Discovery Center	1075 Mound Road	IA	MDC	K46 01507 0029
105	Parts machining	The Woodworking Shop, LLC	1195 Mound Road	D	TWS Properties, LLC	K46 01507 0030
126	PST administrative building	Sharpstone Investment Properties, LLC (GoKeyless)	955 Mound Road	(6A & 7) Tract 1	Sharpstone Investment Properties, LLC	K46 00501 0017
126	Road frontage 40 ft to C/L of Mound Road	Dedicated right-of-way	955 Mound Road	Tract 2	City of Miamisburg	K46 00501 0018 No longer a parcel
COS	Central Operational Support	MDC, Mound Technical Solutions, Precision Joining Technologies, Inorganic Specialists, West Rock, Technology Group, LLC	965 Capstone Drive	8	City of Miamisburg	K46 00503 0013
OSE	Operational Support East	Pinnacle	480 Vantage Point	3 & 6	Pinnacle	K46 00503 0033 K46 01507 0043
OSW	Operational Support West	Montgomery County Consolidated Dispatch Center (911 Center)	460 Vantage Point	6 & 8	Montgomery County Board of County Commissioners	K46 00503 0031
T	Technical building	The Ark of Ohio, LLC	945 Capstone Drive	8	The Ark of Ohio LLC	K46 00501 0019
80–84	Magazines	Used by Excelitas, east of OU-1	None	IB	MDC	K46 01507 0032
SST	Salt storage structure south and east of former RCRA burn area	Empty	None	IB	City of Miamisburg	K46 01507 0039
16	Trailer	LM area in Parcel 9 OU-1 area	1275 Vanguard Boulevard	9	LM	K46 01109 0001
300	Building					

Table B-1. Mound Site Building Identifications, Street Addresses, Ownership, County Parcels (continued)

DOE Building ID	Former DOE Building Description	Current Building Occupant	Current Miamisburg Street Address	DOE ROD Parcel ID	Property Owner	County Parcel ID
n/a	MDC flex building	Secure Cyber Defense	1390 Vanguard Boulevard	4	MDC	K46 01507 0040
			1388 Vanguard Boulevard (lighting)	4	MDC	K46 01507 0040
		Beam Dental	1384 Vanguard Boulevard	4	MDC	K46 01507 0040
			1380 Vanguard Boulevard	4	MDC	K46 01507 0040
			1374 Vanguard Boulevard	4	MDC	K46 01507 0040
		Barge Design Solutions, Inc.	1370 Vanguard Boulevard	4	MDC	K46 01507 0040
	Pond at SW entrance of Vanguard Boulevard	Pond area Includes an area not within original Mound site boundary MDC combined with two offsite parcels during MATC Section 1 plats	NA	4	City	K46 01507 0042
	SW corner of site	Includes an area not within original Mound site boundary MDC combined with two offsite parcels during MATC Section 1 plats Business Park sign	NA	4	City	K46 01507 0041

**Abbreviations:**

C/L = center line of roadway

ft = feet

NA = not applicable

PST = Power Systems Technologies

SW = southwest

TF = test fire

Table B-2 lists the buildings demolished by MDC. This information is documented here because these buildings were demolished after the CERCLA remediations were completed, and there are no closeout documents for these demolitions.

*Table B-2. Mound Site Buildings Demolished by MDC*

<b>DOE Building ID</b>	<b>DOE Building Description</b>	<b>Building Identifier</b>	<b>Date Demolished</b>	<b>DOE ROD Parcel ID</b>
2	Energetic materials destructive testing facility	In TF area	2011	7
28	Ceramic production plastics development	Former ceramics lab on main hill area	2013	6
63 and 63W	Surveillance facility	In TF area	2011	7
GP1	Guard Post-1	Security personnel training, office facility, and firing range; on main hill area	2006	3
GH	Guard house	Original building, Old Visitor Control, Placement Center, and Mound Museum; on main hill area	2013	3

**Abbreviation:**

TF = test fire



Table B-3. Mound Site Property Details—April 6, 2023

Owner	County Parcel ID	Acres	DOE QC Deed to MDC with ICs	MATC Plats and Subsequent Deeds	Owner and Mailing Address	General Location Building Addresses	Applicable ROD
City	K46 00503 0031	2.197	QC 18-00076268	1 of 3 lots created in MATC Section 3 Plat 18-00004495	City of Miamisburg	Lot on hillside north of OSW Building	Parcels 6, 7, 8
City	K46 01507 0025	2.1941	QC 09-00011643	MDC to city QC 13-00079430 with MATC Section 1 Plat 13-00057208 Then mod MATC Section 1-A Plat 15-00008913	City of Miamisburg	Left of main entrance	Parcel H minus road
City	K46 01507 0037	0.8456	QC 09-00011643	MDC to city QC 13-00079430 with MATC Section 1 Plat 13-00057208 Then mod MATC Section 1-A Plat 15-00008913	City of Miamisburg	Parking lot on right, top of hill	Parcel 3 minus road
City	K46 01507 0038	7.8502	QC 09-00011643	MDC to city QC 13-00079430 with MATC Section 1 Plat 13-00057208 Then mod MATC Section 1-A Plat 15-00008913	City of Miamisburg	Large parking lot	Parcel H minus road
City	K46 01507 0039	109.4752	QC 09-00011643	MDC to city QC 13-00079430 with MATC Section 1 Plat 13-00057208 Then mod MATC Section 1-A Plat 15-00008913	City of Miamisburg	Large area with Parcel 4 and Phase I parts	Parcel 4, Phase IB, IC minus road
City	K46 01507 0040	4.6975	QC 09-00011643	MDC to city QC 13-00079430 with MATC Section 1 Plat 13-00057208 Then mod MATC Section 1-A Plat 15-00008913	City of Miamisburg	Flex Building near Benner Road and State Route 25 southwest entrance to site 1370-1390 Vanguard Boulevard	Parcel 4

Table B-3. Mound Site Property Details—April 6, 2023 (continued)

Owner	County Parcel ID	Acres	DOE QC Deed to MDC with ICs	MATC Plats and Subsequent Deeds	Owner and Mailing Address	General Location Building Addresses	Applicable ROD
City	K46 01507 0041	2.7833	QC 09-00011643	MDC to city QC 13-00079430 with MATC Section 1 Plat 13-00057208 Then mod MATC Section 1-A Plat 15-00008913	City of Miamisburg and MMCIC	Corner Benner and Route 25 Note: Includes 0.9776 acre of former Canal City Lot 4782 to Route 25 added during MATC Plat Section 1 and 1-A	Parcel 4 minus road
City	K46 01507 0042	14.8489	QC 09-00011643	MDC to city QC 13-00079430 with MATC Section 1 Plat 13-00057208 Then mod MATC Section 1-A Plat 15-00008913	City of Miamisburg	Pond area Note: Includes 1.1884 acres from former Canal city lot 4781 to Route 25 added during MATC Plat Section 1-A	Parcel 4 minus road
City	K46 01507 0044	2.570	QC 09-00011643	MDC to city QC 13-00079430 with MATC Section 1 Plat 13-00057208 Then mod MATC Section 1-A Plat 15-00008913 Then mod in MATC Section 2 Plat 17-00036642	City of Miamisburg	Guard house parking lot	Parcel 3 minus road
City	Former K46 00501 0018 No parcel # now	0.00	QC 12-00083743 0.2710 acre Now in Mound Road Shown in Section 5 plat	MDC to BOI Solutions Inc. (BOI) BOI to MDC MDC to Sharpstone Investment Properties, LLC (Sharpstone) 16-00071750 Sharpstone to city 19-00045569	City of Miamisburg road right of way	Part of 6A road front	Parcels 6, 7, and 8

Table B-3. Mound Site Property Details—April 6, 2023 (continued)

Owner	County Parcel ID	Acres	DOE QC Deed to MDC with ICs	MATC Plats and Subsequent Deeds	Owner and Mailing Address	General Location Building Addresses	Applicable ROD
<b>MDC</b>	K46 01507 0029	2.3279	QC 09-00011643	MDC to city QC 13-00079430 with MATC Section 1 Plat 13-00057208 City to MDC QC 16-00049911	Mound Development Corporation	Building 102 1075 Mound Road Mound Cold War Discovery Center	Phase IA
<b>MDC</b>	K46 01507 0032	10.0802	QC 09-00011643	MDC to city QC 13-00079430 with MATC Section 1 Plat 13-00057208 MATC Section 1-A Plat 15-00008913 City to MDC QC 19-00020278	Mound Development Corporation	Excelitas Technologies Corp. (Excelitas) Old test fire area Buildings 3 and 87 1100 Vanguard Boulevard	Phase IB
<b>City</b>	K46 00503 0034	11.8801	QC 19-00061640	Created in MATC Section 5 Plat 19-00058552 MDC to city 21-0047140	City of Miamisburg	Western Main Hill area	Parcel 678
<b>City</b>	K46 00503 0035	17.5691	QC 19-00061640	Created in MATC Section 5 Plat 19-00058552 MDC TO city 21-0047140	City of Miamisburg	North of Vanguard Boulevard COS Building 965 Capstone	Parcel 678 Parcel 9 plus Environmental Covenant
<b>City</b>	K46 00503 0036	29.1291	QC 19-00061640	Created in MATC Section 5 Plat 19-00058552 MDC to city 21-0047140	City of Miamisburg	East of Vanguard Boulevard	Parcel 678
<b>City</b>	K46 00503 0037	4.0117	QC 19-00061640	Created in MATC Section 5 Plat 19-00058552 MDC to city 21-0047140	City of Miamisburg	West of Vanguard Boulevard	Parcel 678 Parcel 9 plus Environmental Covenant
<b>City</b>	K46 00503 0038	6.3717	QC 19-00061640	Created in MATC Section 5 Plat 19-00058552 MDC to city 21-0047140	City of Miamisburg	South of Vanguard Boulevard Excelitas parking area	Parcel 678 Parcel 9 plus Environmental Covenant
	<b>Total MDC</b>	<b>228.8316</b>					
<b>Sharpstone</b>	K46 00501 0017	5.3500	QC 12-00083743	BOI to Sharpstone GW 16 00071750	Sharpstone Investment Properties LLC GoKeyless	Most of former 6A plus parts of Parcel 7 Building 126 955 Mound Road	Parcels 6, 7, and 8

Table B-3. Mound Site Property Details—April 6, 2023 (continued)

Owner	County Parcel ID	Acres	DOE QC Deed to MDC with ICs	MATC Plats and Subsequent Deeds	Owner and Mailing Address	General Location Building Addresses	Applicable ROD
Oscar Lopez	K46 01507 0031	5.5191	QC 09-00011643	MATC Section 1 Plat 13-00087203 Plat 13-00057208 MDC to Dyrdek 14 00069587  GW 15-00026231 Dyrdek Group to Dyrdek Enterprises 5-20-15 WD 20-00054057 Dyrdek Enterprises to ROBERT S DYRDEK WD 19-00054058 Robert S Dyrdek to Dyrdek Trust 9-14-20 WD 21-00092524 Dyrdek Trust to Oscar Lopez	Oscar Lopez Lopez Roofing 790 Enterprise Court Miamisburg, Ohio 45342	Parcel D minus road Building 100 790 Enterprise Court	Parcel D
All Aspects LLC (county record still shows Kierston Olivia LLC)	K46 01507 0045	3.2975	QC 17-00045599	Created in MATC Section 2 Plat 17-00036642 LW 17 00045600  GW 23-00004713	All Aspects LLC 4 Knightsbridge Road Middletown, Delaware 19709	Building 45 930 Capstone Drive	Parcel 6 and 7
Mound Research LLC	K46 01507 0046	4.9537	QC 17 00055321	Lot created in MATC Section 2 Plat 17-00036642 LW 17 00055322	Deed: Advanced Service Technologies County records list mailing address as Mound Research LLC 885 Mounddr Dr (spelled as shown) Miamisburg, Ohio 45343	Building 61 885 Mound Road	Parcel D minus road
Montgomery County, Ohio (not listed in county tax record)	K46 01503 0031	4.50	QC 18 0006246	1 of 3 lots created in MATC Section 3 Plat 18-00004495 MDC to Jen Skyline LW 18 0009417 Jen Skyline to Montgomery County LW 19-00070585	Montgomery County Consolidated Dispatch Center	OSW Building 460 Vantage Point	Parcels 6, 7, 8

Table B-3. Mound Site Property Details—April 6, 2023 (continued)

Owner	County Parcel ID	Acres	DOE QC Deed to MDC with ICs	MATC Plats and Subsequent Deeds	Owner and Mailing Address	General Location Building Addresses	Applicable ROD
<b>Pinnacle</b>	K46 00503 0033	3.833	QC 18-00006246	1 of 3 lots created in MATC Section 3 Plat 18-00004495 LW 18-00045894	Pinnacle Architects Inc. 480 Vantage Point Miamisburg, Ohio 45342	OSE Building 480 Vantage Point	Parcels 6, 7, 8
<b>Pinnacle</b>	K46 01507 0043	1.3035	DOE to MDC 2 QC deeds for Parcel 3 contained this area original QC 02-00128206 replaced by QC 09-00011643	MDC to city deed 13-00079430 Created in MATC Section 1 Plat 13-00057208 Modified in MATC Section 2 Plat 17-00036642 City to MDC 18-00045893 MDC to Pinnacle 18-00045894	Pinnacle Architects Inc.	OSE Building parking lot	Parcel 3 minus road
<b>The Ark of Ohio LLC</b>	K46 00501 0019	4.26	DOE to MDC QC 18-00064591 Rerecorded as QC 19-00028127 LW 23-00003825	New lot created in MATC Section 4 Plat 18-00052009 MDC to Pinnacle LW 18-00064592	The Ark of Ohio, LLC P.O. Box 157, Germantown, Ohio 45327	T Building 945 Capstone Drive	Parcels 6, 7, 8
<b>TWS Properties, LLC (TWS)</b>	K46 01507 0030	4.8008	DOE to MDC QC 09-00011643	MATC Sect 1 Plat-13-00087203 City owned City to MDC QC 15-00023825 MDC to TWS LW 19-00015160 Refiled LW 19-00030809	TWS Properties, LLC	Building 105 1195 Mound Road	Parcel D minus road
	<b>Other Owners' Total</b>	<b>37.8176</b>					
<b>LM</b>	K46 00503 0039 Lot 8071	5.9521	None	MATC Section 5 Plat 19-00058552 <b>No deed</b>	UNITED STATES OF AMERICA	OU-1 area	Parcel 9 – OU-1 ROD and Amendment
<b>LM</b>	K46 00503 0040 Lot 8072	5.7021	None	MATC Section 5 Plat 19-00058552 <b>No deed</b>	UNITED STATES OF AMERICA	OU-1 area	Parcel 9 – OU-1 ROD and Amendment



Table B-3. Mound Site Property Details—April 6, 2023 (continued)

Owner	County Parcel ID	Acres	DOE QC Deed to MDC with ICs	MATC Plats and Subsequent Deeds	Owner and Mailing Address	General Location Building Addresses	Applicable ROD
LM	K46 00503 0041 Lot 8073	4.8771	None	MATC Section 5 Plat 19-00058552 <b>No deed</b>	UNITED STATES OF AMERICA	OU-1 area	Parcel 9 – OU-1 ROD and Amendment
LM	K46 00503 0042 Lot 8074	2.0185	None	MATC Section 5 Plat 19-00058552 <b>No deed</b>	UNITED STATES OF AMERICA	OU-1 roadway	Parcel 9 – OU-1 ROD and Amendment
<b>Per MATC Section 5 plat</b>	<b>LM total</b>	<b>18.5498</b>		New property boundaries are shown on county GIS site			

**Note:**

Information on county parcels is available on the [Montgomery County Auditors' website](#). Copies of deeds, MATC section plats, instrument numbers (QCs) are available on the Montgomery County recorder's website at [Recorder's Information Search System, Montgomery County, Ohio](#). Use four digits for the year.

**Abbreviations:**

COS = Central Operational Support

GIS = geographic information system

OSW = Operational Support West

Table B-4. Acreage Reconciliations

Acreage Reconciliation		Acres
Total county property records all owners. Lots created in MATC Section plats 1–5.		285.1990
Plus acreage of streets per MATC Section Plats 1–5.		22.1524
<b>Subtotal of all MATC parcels and roadways</b>		<b>307.3514</b>
Minus acreage of two canal city lots merged with Mound lots that were not in the original boundary.		2.1660
<b>Total of area within Mound Plant boundary</b>		<b>305.1854</b>
<b>Previous acreages:</b>		
<b>1998 Mound Plant property 305.116 acres</b>	<b>2005 Beal survey 305.063 acres</b>	<b>2017 Barge Waggoner Summer &amp; Cannon reconciliation 305.0618 acres</b>

## **Appendix C**

### **Information on T Building Special IC Areas Including 2009 Special ICs Core Team Agreement and Position Paper**

# **Contents**

1. Figure C-1. T Building Rooms with Special ICs.
2. T Building Special ICs Core Team Agreement and Position Paper (2009).
3. 2010 Baseline Photos of Each Room with Special ICs.
4. 2018 Final LM Closeup Photos of Red Concrete Cracks.
5. ATC 100 Fact Sheet for Crack Filler Product (Used by LM to Seal Cracks).



## T - Building First Floor

### Specified Areas with Institutional Controls (IC)

- Removal Prohibition
- Penetration Prohibition

Survey Units in Red  
Room Numbers in Black

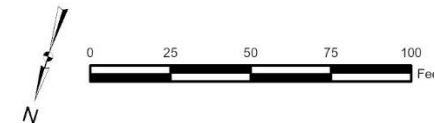


Figure C-1. T Building Rooms with Special ICs



# T Building Special ICs Core Team Agreement and Position Paper

7806XXXXXX-1105260001



**The Mound Core Team**  
P.O. Box 66  
Miamisburg, Ohio 45343-0066

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6/29/09

As you know, The Proposed Plan for Parcels 6, 7 and 8 contains a restriction on the use of T Building which prohibits the penetration of concrete floors in rooms 50, 57 and 59 of T Building without prior approval from USEPA, OEPA, and ODH. The Miamisburg Mound Community Improvement Corporation (MMCIC) has asked the Core Team for a "blanket" approval to conduct limited activities in these rooms that should not result in an unacceptable risk to workers in the building.

The Core Team has evaluated this request and hereby grants approval for these activities provided they are conducted in accordance with the following policy guidelines:

1. Any driven penetration (e.g. concrete nails or explosive driven nails) of up to four inches in depth can be conducted without approval. As notification, the Core Team shall be provided a description of the activity, drawing of the room, and location of the proposed penetrations two weeks prior to physical activity.
2. Penetrations that involve removal of concrete shall be filled with concrete or steel. They shall not exceed four inches depth without approval of the Core Team. All penetrations of four inches or less requiring removal of concrete (drilling etc.) will require the submittal of a description of the activity, drawing of the room, and location of the proposed penetrations to the Core Team two weeks prior to the physical activity for notification purposes.
3. Any actions which remove or damage the concrete (including "driven penetrations") shall be filled within 120 days of completion.
4. Routine T Building occupants should be excluded from the area of activity for the duration of the renovation.

For your information, the Core Team has prepared the attached Position Paper which the Core Team used in its evaluation. MMCIC can use this Position Paper and these policy guidelines in determining which future activities may be acceptable to the Core Team in rooms 50, 57 and 59 of T Building. In any event, MMCIC must request approval for any activity not on this approved list.

DOE/MEMP: Paul C. Lucas 7/14/09  
Paul C. Lucas, Remedial Project Manager

USEPA: Timothy J. Fischer  
Timothy J. Fischer, Remedial Project Manager

OEPA: Brian K. Nickel 7/14/09  
Brian K. Nickel, Project Manager

Position Paper  
T Building Cap Areas Renovation Guidelines

**Background:** T Building (Technical Building) is a massively constructed building on the Mound site with ten foot thick heavily reinforced concrete floors and similarly robust ceilings and walls. During the remediation of the T Building, the contractor encountered bulk contamination of the floor and footings in certain areas. Attempts to complete remediation of the contaminated floor and footer in the west end of room 50 and east end of rooms 57 and 59 were technically and economically difficult to justify. Following an assessment of the risks involved to the building's structural integrity if removal of contaminated concrete continued (attached), a decision was made to leave the contaminated concrete sub floor and footer in place, and to add a cap of color coded (red) concrete to provide a margin of safety from the residual contamination. The Department of Energy (DOE) currently owns the facility and wishes to transfer ownership to the Miamisburg Mound Community Improvement Corporation (MMCIC) for future development. To ensure the health and safety of future workers and occupants of T Building, a deed restriction will be placed on T Building limiting the disturbance of concrete in those areas with residual contamination. This paper outlines some of the technical basis allowing latitude in the disturbance of the concrete cap.

As stated above, the DOE and its contractors evaluated the residual contamination to ensure that future worker safety was protected. Specifically future worker doses were modeled to ensure that they would not reasonably be expected to receive an additional 15 mrem of equivalent dose due to occupation in T Building. Samples of the residual contamination were taken. As a conservative measure, the average of the five highest areas of contamination was used as input for the entire area. This data was input into the RESRAD Build dose evaluation code. This code is jointly developed by the DOE and the Nuclear Regulatory Commission (NRC) for just this type of situation.

Under this scenario, two types of workers were evaluated. The first type was an office worker who occupies the building for an entire year. Doses for this type of worker were previously calculated and found to fall within the 15 mrem per year guidelines. The calculations for this type of worker assume that no renovation is occurring while that worker occupies the area, i.e. the concrete cap is intact. A second worker, the renovation worker, was originally modeled using similar physical characteristics of the building, but differing inputs commensurate with the type of work. For example, the breathing rates and occupancy rates for the renovation worker differ from that of an office worker. The original calculations for the renovation worker in T Building were 1.86 mrem. Of that dose, 0.17 mrem is due to direct radiation from the residual contamination under the protective cap. The remainder is from low level residual contamination throughout T Building.

A review of the Final Status Surveys for T Building indicates that the thickness of the cap is nominally 11 inches. It was placed at this thickness to bring the floor elevation level with the adjoining hallway floor surfaces. Based on the very low dose rates cited above (0.17 mrem) for external exposure, there is excess concrete serving as a shielding material for the bulk contamination below. This would allow for temporary removal or penetration of some portion of this concrete to allow for anchoring of equipment and walls of future tenants. It should be noted,

that in order to maintain the integrity of the calculations for the office worker, any floor penetration should be repaired or steel anchors inserted (steel being a better shield than concrete).

**Calculations:** As implied, records for the original calculations were retrieved from storage. Although it was generally known that excess concrete was placed, there was no known calculation of how much excess existed and none was found during the review of the records. The RESRAD Build calculations that were found used all 11 inches of concrete as shielding to arrive at the 0.17 mrem cited earlier. In addition, due to the presence of the cap, it was assumed that none of the contamination contained in the subsurface concrete and footers becomes airborne.

RESRAD Build continues to be maintained and updated by Argonne National Laboratory. The current version is slightly modified from the version originally used to model these doses. In order to ensure continuity, a baseline calculation was performed using the parameters from the original calculations. With only slight variations, they agreed. The original calculations indicated 1.70 mrem due to other building residual contamination. The new version calculated this same component to be 1.69 mrem. The total for both the cap area and the remainder of the building was 1.86 mrem for both versions, indicating strong agreement between the two.

In order to establish a margin of safety another calculation used the same input parameters except that the thickness of the cap was reduced by seven inches (to a nominal four inches total thickness). This further reduced thickness yielded an exposure to the renovation worker of 5.93 mrem. This remains protective of the renovation worker.

**Recommendation:** If the core team decides to allow penetration of the "red" concrete cap, it would be prudent to allow for some margin of safety to preclude accidental penetration to depths greater than currently analyzed. Note that the cap penetrations should be restored or replaced with anchors that provide similar or greater shielding capabilities. Recall also that one of the major assumptions is that the cap prevents the contamination below it from becoming airborne, so that the integrity of the cap must be maintained. Consideration must be given to the ability to ensure that recommendations are followed (i.e. penetrations are not greater than depth specified etc.). Also note that additional work could be carried out safely but may require additional analysis.

**Policy Guidelines:** As discussed, some guidelines should be established to administer penetration of the concrete in these areas. Such guidelines could be as follows:

1. Any driven penetration (e.g. concrete nails or explosive driven nails) of up to four inches in depth can be conducted without approval. As notification, the Core Team should be provided a description of the activity, drawing of the room, and location of the proposed penetrations two weeks prior to physical activity.
2. Penetrations that involve removal of concrete shall be filled with concrete or steel. They shall not exceed four inches depth without approval of the Core Team. All penetrations of four inches or less requiring removal of concrete (drilling etc.) will require the submittal of a description of the activity, drawing of the room, and location of the proposed penetrations to the Core Team two weeks prior to the physical activity for notification purposes.
3. Any actions which remove or damage the concrete (including "driven penetrations") shall be filled within 120 days of completion.
4. Routine T Building occupants should be excluded from the area of activity for the duration of the renovation.

## 2010 Baseline Photos of Each Room with Special ICs

(The floor plan to the right shows the camera angles for Figures C-2 through C-11.)

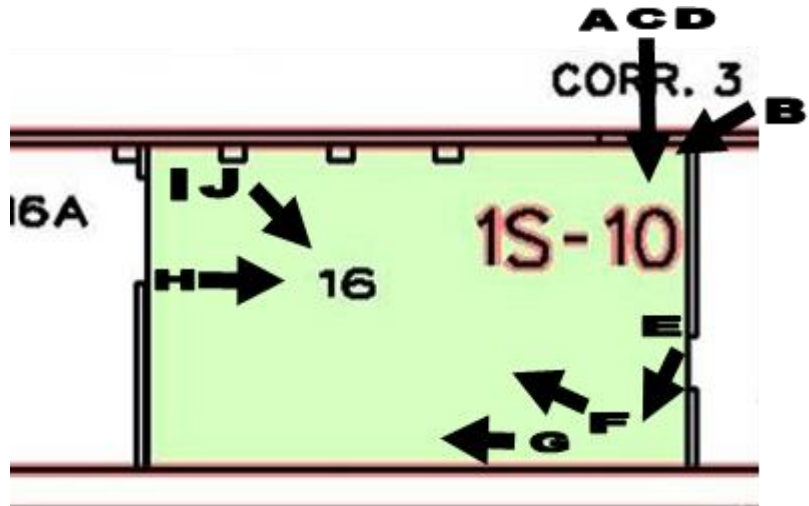


Figure C-2. T Building Room 16 View A



Figure C-3. T Building Room 16 View B



Figure C-4. T Building Room 16 View C



Figure C-5. T Building Room 16 View D





Figure C-6. T Building Room 16 View E



Figure C-7. T Building Room 16 View F



Figure C-8. T Building Room 16 View G



Figure C-9. T Building Room 16 View H



Figure C-10. T Building Room 16 View I



Figure C-11. T Building Room 16 View J

(The floor plan to the right shows the camera angles for Figures C-12 through C-19.)

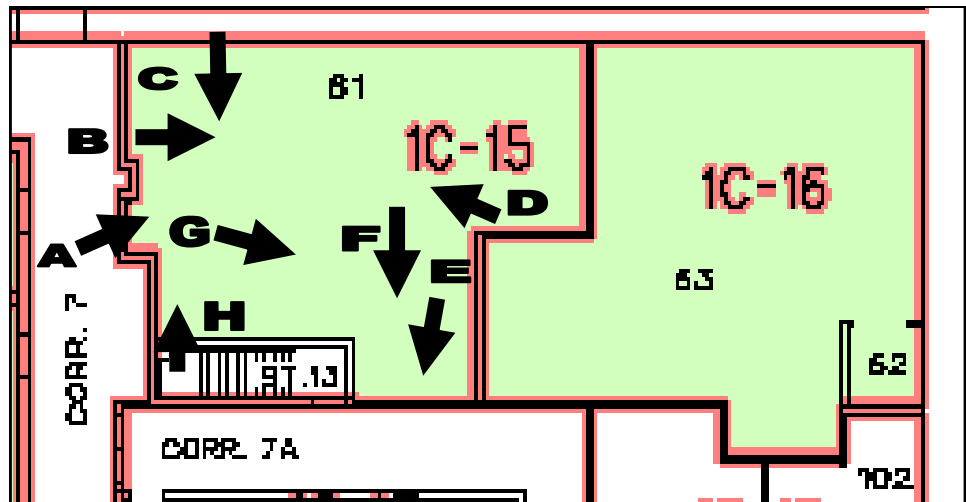


Figure C-12. T Building Room 61 View A



Figure C-13. T Building Room 61 View B



Figure C-14. T Building Room 61 View C



Figure C-15. T Building Room 61 View D





*Figure C-16. T Building Room 61 View E*



*Figure C-17. T Building Room 61 View F*



*Figure C-18. T Building Room 61 View G*



*Figure C-19. T Building Room 61 View H*

(The floor plan to the right shows the camera angles for Figures C-20 through C-31.)

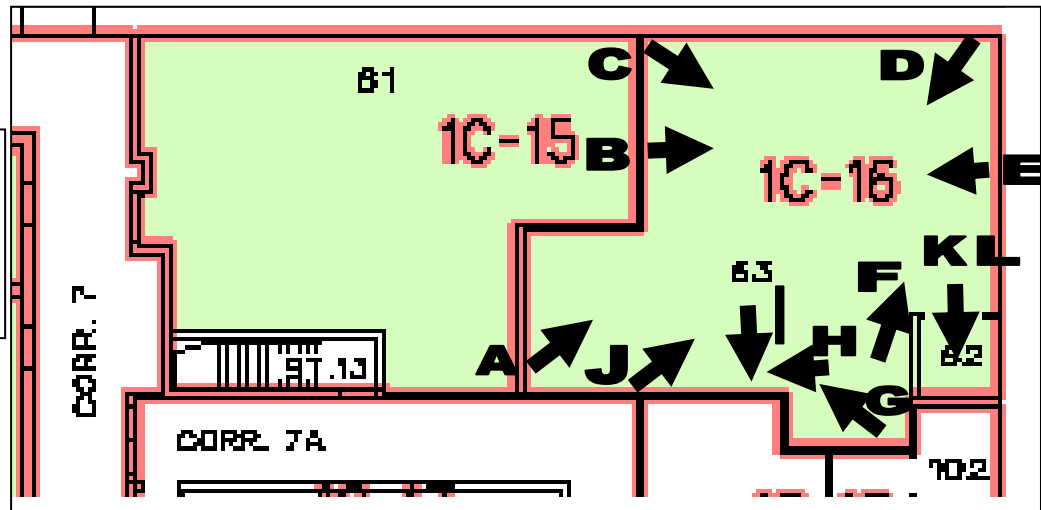


Figure C-20. T Building Room 63 View A



Figure C-21. T Building Room 63 View B



Figure C-22. T Building Room 63 View C



Figure C-23. T Building Room 63 View D





*Figure C-24. T Building Room 63 View E*



*Figure C-25. T Building Room 63 View F*



*Figure C-26. T Building Room 63 View G*



*Figure C-27. T Building Room 63 View H*



*Figure C-28. T Building Room 63 View I*



*Figure C-29. T Building Room 63 View J*





*Figure C-30. T Building Room 62 View K*



*Figure C-31. T Building Room 62 View L*

(The floor plan to the right shows the camera angles for Figures C-32 through C-37.)

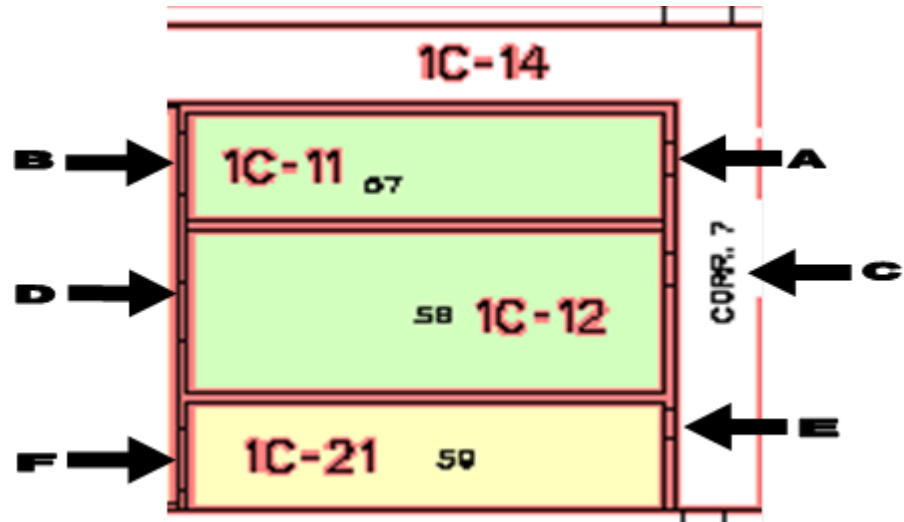


Figure C-32. T Building Room 57 View A



Figure C-33. T Building Room 57 View B



Figure C-34. T Building Room 58 View C



Figure C-35. T Building Room 58 View D



*Figure C-36. T Building Room 59 View E*



*Figure C-37. T Building Room 59 View F*

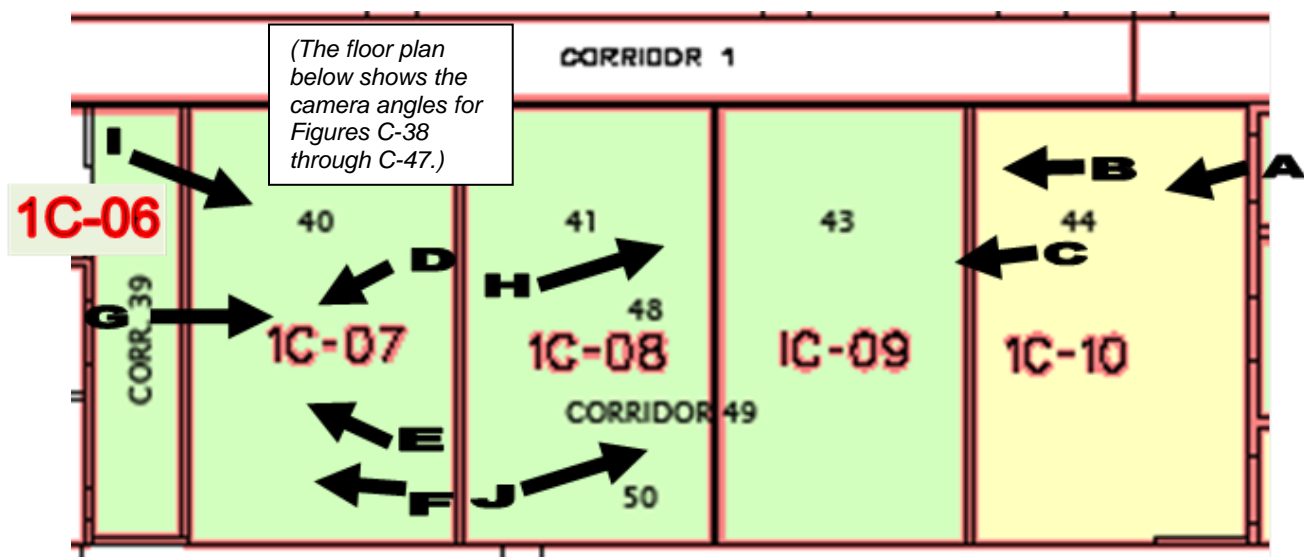


Figure C-38. T Building Rooms 39-44 and 48-50  
View A



Figure C-39. T Building Rooms 39-44 and 48-50  
View B



Figure C-40. T Building Rooms 39-44 and 48-50  
View C



Figure C-41. T Building Rooms 39-44 and 48-50  
View D





Figure C-42. T Building Rooms 39-44 and 48-50  
View E

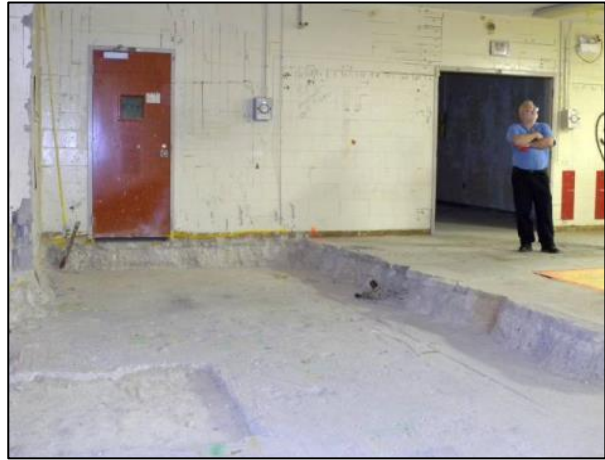


Figure C-43. T Building Rooms 39-44 and 48-50  
View F



Figure C-44. T Building Rooms 39-44 and 48-50  
View G



Figure C-45. T Building Rooms 39-44 and 48-50  
View H



Figure C-46. T Building Rooms 39-44 and 48-50  
View I



Figure C-47. T Building Rooms 39-44 and 48-50  
View J



## 2018 Final LM Photos of Red Concrete Cracks

The photographs in Figure C-48 were taken on February 13, 2018, for the 2018 Mound site annual IC assessment to document the condition of the filled cracks in the red concrete in specified rooms in the T Building before LM transferred the building to MDC.

The locations of the crack monitoring points are shown in Figure C-48.



*Monitoring Point A*



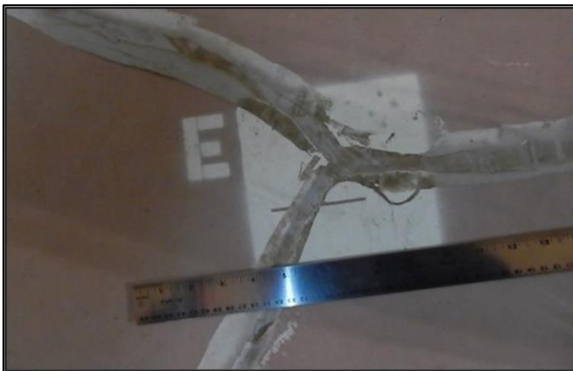
*Monitoring Point B*



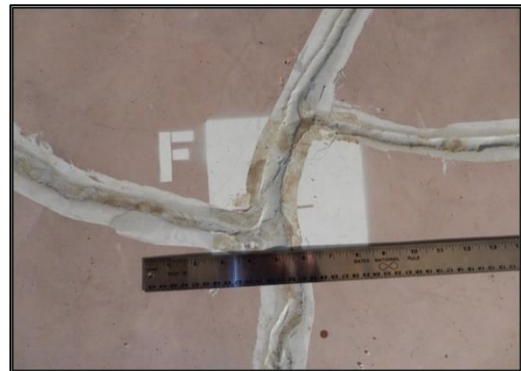
*Monitoring Point C*



*Monitoring Point D*



*Monitoring Point E*



*Monitoring Point F*

*Figure C-48. Condition of the Cracks in the Red Concrete in Specified Rooms in the T Building, February 2018*

## 2018 Photos of Red Concrete Cracks



*Monitoring Point G*



*Monitoring Point H*



*Monitoring Point I*

*Figure C-48. Condition of the Cracks in the Red Concrete in Specified Rooms in the T Building, February 2018 (continued)*

# ATC 100 Fact Sheet for Crack Filler Product

## ATC 100

### Description and Uses

ATC 100 is a single component elastomeric sealant without free isocyanates or solvents (VOCs.) It cures rapidly by drying to form a flexible joint between substrates. It has excellent adhesion to most materials including plywood, plastic, concrete, masonry and metal.

ATC 100 is a hybrid water, vapor, gas and radon resistant sealant polymer, specially designed to adhere to damp or dry surfaces, making it excellent for sealing cove joints and concrete floor cracks against radon, methane, water, water vapor and other soil gasses. ATC 100 is excellent for bonding plastic, concrete and other materials and substrates. ATC 100 is UV resistant and can be used on exterior and interior surfaces. ATC 100 can be painted after curing

### Where to Use

- Cove joints
- Concrete floor cracks
- Interior or exterior

### Advantages

- No VOCs
- Combines the best qualities of polyurethane and silicone sealant
- Non-yellowing
- Isocyanate free
- High bond strength
- Easy flow

### Technical Data

Appearance	Pasty
Color	Grey
Density at 200 C	1.65 +/- 0.05
Sagging (ISO 73900)	No
Application Temperature	40 <sup>o</sup> -100 <sup>o</sup> F
Temperature resistance	-4 <sup>o</sup> -190 <sup>o</sup> F
Cure Time @ 750F and 50% HR	50 minutes
Skin Formation time @750F and 50% HR	24-36 Hrs
Final Shore A Hardness (ISO 868-3 sec.)	>30
Modulus at 100% (ISO 8339)	>70 psi
Elongation at Break (ISO 8339)	>140 psi
Resistance to dilute acids and bases	Good
UV Resistance	Excellent
Water and salt spray resistance	Excellent
Compatibility with paints	Yes

## Application Instructions

### Preparation:

The substrates must be clean, dry free of dust, oil, grease, and any contaminants that could harm bonding. All traces of poorly adhered paint or coatings should be removed beforehand. If the substrates to be cleaned, solvents such as methylethylketone (MEK) or acetone may be used. Check the compatibility of the solvent used with the substrates. It may be necessary to rub down the substrate beforehand. After rubbing down, the surface should be re-cleaned. Allow the substrate to dry after degreasing. Note: When using solvents, extinguish all sources of ignition and carefully follow the safety and handling instruction given by the manufacturer or supplier.

### Gaulking:

ATC 100 may be applied by manual or pneumatic gun.

After application, each joint should be tight up to the joint lip and smoothed with a putty knife. This product should be used within 24 hours of opening the cartridge. If stored in cold weather, store the cartridges at 70°F prior to use.

### Drying Time

Skin time is 50 minutes. Full cure at 24 hours depending on temperature and humidity.

### Clean Up

Tools should be cleaned with MEK or acetone before the sealant has completely cured. After curing, abrasion is necessary.

### Storage and Shelf Life

12 months in the original hermetically sealed packaging between 40-75°F.

### Packaging

10.4 oz cartridges

### Safety

Not classified as hazardous. Read the MSDS before use.

### Warranty

Recommendations concerning the performance or use of this product are based upon independent test reports believed to be reliable. If the product is proven to be defective, at the option of the Manufacturer, it will be either replaced or the purchase price refunded. The Manufacturer will not be liable in excess of the purchase price. The user will be responsible for deciding if the product is suitable for his application and will assume all risk associated with the use of the product. This warranty is in lieu of any other warranty expressed or implied, including but not limited to an implied warranty of merchantability or an implied warranty of fitness for a particular use.

THE FOREGOING WARRANTY SHALL BE EXCLUSIVE AND IN LIEU OF AN OTHER WARRANTY, EXPRESS OR IMPLIED INCLUDING WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR USE AND PURPOSE AND ALL OTHER WARRANTIES OTHERWISE ARISING BY OPERATION OF LAW, COURSE OR DEALING, CUSTOM, TRADE OR OTHERWISE



P. O. Box 18476 Fairfield, OH 45018  
1-877-277-5948 (513) 939-3767  
www.appliedtechnologies.com

07/07

## **Appendix D**

### **2012 Core Team IC Guidance**



# **Contents**

1. 2012 Core Team IC Guidance (September 12, 2012)

# 2012 Core Team IC Guidance



**The Mound Core Team**  
250 East Fifth Street, Suite 500  
Cincinnati, Ohio 45202

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9/12/12 Update

## **Purpose**

The Core Team has prepared the following guidance for assisting with compliance with the existing Mound Site Institutional Controls (ICs). Mound Development Corporation (MDC), or any other future owners of Mound Site property, can use the following guidance and best management practices to maintain compliance with Mound Site ICs when conducting future site activities. It is important to note that this guidance is not intended to be all inclusive, and requirements, including this document, could be subject to change or updating based on site activities, future remedy changes or changes to existing environmental laws.

## **Background Summary**

The former Mound Site Property was remediated under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) with associated Records of Decision (RODs) requiring adherence to enforceable Institutional Controls (IC's).

## **Records of Decision**

The following are the approved RODs for the Mound Site:

1. *Operable Unit 1 Record of Decision, Final, June 1995 (amended in 2011)*
2. *Record of Decision for Release Block D, Final February 1999*
3. *Record of Decision for Release Block H, Final June 1999*
4. *Parcel 3 Record of Decision, Final, August 2001*
5. *Parcel 4 Record of Decision, Final, February 2001*
6. *Phase 1 Record of Decision, Final, July 2003*
7. *Miami-Erie Canal, Record of Decision, Final September 2004 (OU-4)*
8. *Parcels 6, 7, and 8 Record of Decision, August 2009*
9. *Amendment of the Operable Unit 1 Record of Decision, August 2011*

### **Institutional Controls (ICs)**

The Mound Site RODs, except for the OU4 Miami Erie Canal area, require ICs in the form of deed restrictions or an environmental covenant. The U.S. Department of Energy (DOE) is the lead agency with the responsibility to monitor, maintain and enforce the ICs. The U.S. Environmental Protection Agency (EPA), the Ohio Environmental Protection Agency (Ohio EPA), and the Ohio Department of Health (ODH) provide independent oversight and authority to approve requests regarding IC compliance. The ICs are designed to ensure:

- Maintenance of industrial or commercial land use and prohibition of residential land use.
- Prohibition against the use of groundwater without prior approval by EPA and Ohio EPA.
- Prohibition against the removal of soils from the Mound Site boundary (as of 1998) to offsite locations without prior approval. by EPA, Ohio EPA, and ODH.
- Allowing site access for federal and state agencies for the purpose of taking response actions, including sampling and monitoring.

The Parcels 6, 7 and 8 ROD includes the following additional institutional control requirements:

- Prohibition against the penetration of concrete floors in specified rooms in T Building without prior approval by EPA, Ohio EPA, and ODH.
- Prohibition against the removal of concrete floor material in specified rooms in T Building to offsite locations without prior approval by EPA, Ohio EPA, and ODH.

Details on the ICs listed above are included in the *Mound Site Operations and Maintenance Plan*, (O&M), Section 3, IC Management and Land Use Control. Additional information regarding each parcel and the associated ICs is included in the individual ROD for the specific parcel(s). These RODs are available on the DOE Office of Legacy Management (LM) website [http://www.lm.doe.gov/CERCLA\\_Home.aspx](http://www.lm.doe.gov/CERCLA_Home.aspx).

### **Implementation – Best Management Practice**

Implementation of the above IC language in contract and work planning documents may be accomplished as follows:

#### **IC #1 - Maintenance of industrial or commercial land use and prohibition of residential land use.**

Continue regular observation of site activities for signs of use other than industrial.

Allow no single or multi-family dwellings or rental units; day care facilities; schools or other educational facilities for children under 18 years of age; and no community centers, playgrounds or other recreational or religious facilities for children under 18 years of age are permitted on the property.



Fishing is considered recreational use and is prohibited. The photo above shows two individuals observed fishing in a Mound facility pond in Parcel 4. Note the “Recreational Use Prohibited” sign in the foreground. DOE, EPA, and Ohio EPA considered the exposure assumptions used to develop the industrial/commercial cleanup standards for the Mound site and concluded that occasional visits to the retention pond by area residents will not result in an unacceptable risk to the visitors.

However, if recreational activities are observed, MDC and future property owners will continue to monitor and discourage these unauthorized uses. Continued fishing or other recreational activities may result in more rigorous enforcement of ICs

**IC#2 - Prohibition against the use of groundwater without prior approval from EPA and Ohio EPA.**

No new wells may be installed on the Mound Site without prior approval from EPA and Ohio EPA. Groundwater use is prohibited.

**IC#3 - Prohibition against the removal of soils from the Mound Site boundary (as of 1998) to offsite locations without prior approval. by EPA, Ohio EPA, and ODH.**

One small area at the northeast corner of the site along Mound Road is excepted from this prohibition as described in the O&M Plan.

On typical plans that involve excavation, the following are examples of what should be considered for compliance with ICs:



- Earthwork/Demolition -- Due to deed restrictions, no soil shall be removed from the Mound Site without EPA and Ohio EPA approval. Excavated material may be used as fill in other areas on the project within the former Mound Site boundary. Spoil areas on the Mound Site shall be coordinated with the landowner. All materials removed from the site must be hauled per state and federal regulations.
- Soil -- No soil is allowed to leave the Mound Site without written approval of the EPA, Ohio EPA, and ODH. All excavated soil materials may be transported within the area of the Mound Site to an area or areas on site designated by the landowner.
- Concrete/Asphalt and Other Large Miscellaneous Debris – Prior to removal from the Mound Site, turn debris over and remove excess soils. *The following photo shows concrete removed during the construction of the Vanguard Blvd. extension. The removal of residual soil material on the concrete is viewed as being adequate for off site disposal.*



Trees – Prior to removal from the Mound Site, remove the majority of dirt from the root ball.

*The photo below from the Vanguard Project shows a tree that was removed and cleared of excess soil for off property disposal.*





**IC#4 - Provide site access for federal and state agencies for the purpose of taking response actions, including sampling and monitoring:**

All future work planned at the former Mound site should include a provision allowing for federal and state agency access to the site.

**IC#5 - The ROD for Parcels 6, 7 and 8 includes the following additional institutional control requirements:**

- Prohibition against the penetration of concrete floors in specified rooms in T Building without prior approval by EPA, Ohio EPA, and ODH.
- Prohibition against the removal of concrete floor material in specified rooms in T Building to offsite locations without prior approval by EPA, Ohio EPA, and ODH.

In a Position Paper, *T Building Special ICs Core Team Agreement and Position Paper*, dated June 29, 2009, the Core Team previously addressed compliance with restrictions against penetration of the floor in certain areas of T Building. Please refer to Sections 3.6.4 and 3.6.5 and Appendix B of the *Mound Site Operations and Maintenance Plan LMS/MND/S08406-0.0* for further details.

As mentioned above, this guidance is not intended to address every circumstance that may require compliance with ICs. For questions or further information, please contact the DOE Legacy Management at:

Grand Junction 24-Hour Monitored Security Telephone Numbers  
(970) 248-6070 or (877) 695-5322  
Website: <http://www.lm.doe.gov>

Gwendolyn Hooten, LM Mound Site Manager  
U.S. Department of Energy/LM-20.1  
10995 Hamilton-Cleves Highway  
Harrison, OH 45030-9728  
(513) 648-3148  
[Gwen.Hooten@lm.doe.gov](mailto:Gwen.Hooten@lm.doe.gov)

DOE:

**Gwen N  
Hooten**

Digitally signed by Gwen N Hooten  
DN: cn=us, o=U.S. government,  
ou=department of energy,  
ou=headquarters, ou=people,  
cn=Gwen N Hooten  
Date: 2012.09.13 09:52:33 -06'00'

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Gwendolyn Hooten, Site Manager

USEPA:

 9/13/12  
\_\_\_\_\_  
Timothy J. Fischer, Remedial Project Manager

OEPA:

**Brian Nickel**

Digitally signed by Brian Nickel  
DN: cn=Brian Nickel, o=Ohio EPA,  
ou=DERM/SWDO,  
email=Brian.Nickel@epa.state.oh.us, c=US  
Date: 2012.09.13 14:02:43 -04'00'

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Brian K. Nickel, Project Manager

**Mound Site, Miamisburg, Ohio**  
**Request for Regulatory approval of new site activity**

This is a formal request to the Environmental Protection Agency (EPA) and the Ohio EPA to provide written approval of an activity not generally covered by the institutional controls at the Mound Site. The institutional controls are part of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) remedies established in the Records of Decision for the Mound Site.

The Mound site institutional controls run with the land in the form of restrictions and covenants in quitclaim deeds or activity and use limitations in the Environmental Covenant: See the *Operations and Maintenance (O&M) Plan for the U.S. Department of Energy Mound Site, Miamisburg, Ohio*, for details on records of decision.

- Maintenance of industrial or commercial land use and prohibition against residential land use.
- Prohibition against the use of groundwater without prior written approval from EPA and Ohio EPA.
- Prohibition against the removal of soil from within the site boundary (as of 1998) to offsite locations without prior written approval from EPA, Ohio EPA, and ODH.
- Prohibition against the removal of concrete floor material in specified rooms of T Building to offsite locations without prior written approval from EPA, Ohio EPA, and ODH.
- Prohibition against the penetration of concrete floors in specified rooms of T Building locations without prior written approval from EPA, Ohio EPA, and ODH.
- Allowing site access for federal and state agencies for the purpose of sampling and monitoring.

Submitting Organization: \_\_\_\_\_

Sponsoring Organization: \_\_\_\_\_

Date Submitted: \_\_\_\_\_

<b>1. The proposed activity:</b>
<b>2. Describe the proposed site activity. (Add supplemental documentation to this form if required)</b>
<b>3. Does the proposed activity violate any of the following restricted uses described in quitclaim deeds and the Environmental Covenant? Yes <input type="checkbox"/> No <input type="checkbox"/></b> <ul style="list-style-type: none"><li>• Will not use, or allow the use of, the Premises for any residential or farming activities, or any other activities which could result in the chronic exposure of children under eighteen years of age to soil or groundwater from the Premises. Restricted uses shall include, but not be limited to:<ul style="list-style-type: none"><li>1) single or multifamily dwellings or rental units;</li><li>2) day care facilities;</li><li>3) schools or other educational facilities for children under eighteen years of age;</li><li>4) community centers, playgrounds, or other recreational or religious facilities for children under eighteen years of age</li></ul></li><li>• Will not extract, consume, expose, or use in any way the groundwater underlying the premises without the prior written approval of the EPA and the Ohio EPA.</li><li>• Will not remove soil from the property except for exempted area in northeast corner Parcel H. without the prior written approval of the EPA and the Ohio EPA.</li></ul>
<b>4. Is this a short-term or permanent activity? If short term, what duration do you anticipate? Specific date(s)?</b>
<b>5. When do you wish to begin this activity?</b>

**Mound Site, Miamisburg, Ohio**  
**Request for Regulatory approval of new site activity**

6. What ages of individuals would participate in this activity?
7. Estimate an average duration of time on site that these individuals participate in this activity? (hours per day x number of days per year; or hours per month; or total hours per year)
8. Does a risk assessment need to be performed? Attach a copy.

<b>FOR REGULATOR USE ONLY</b>
1. What is the basis for approval/disapproval?
2. What actions, precautions, notifications (if any) are required to mitigate risk?

Approvals:

Print name <b>U.S. Environmental Protection Agency Representative</b>	Signature	Date
--------------------------------------------------------------------------	-----------	------

Print name <b>Ohio Environmental Protection Agency Representative</b>	Signature	Date
--------------------------------------------------------------------------	-----------	------

Concurrence:

Print name <b>U.S. Department of Energy Representative</b>	Signature	Date
---------------------------------------------------------------	-----------	------

Request for Regulatory approval of Mound Site activity

12/30/2013

## **Appendix E**

### **2021 Core Team Memorandum—Process for Evaluating Requests for New Site Activities, Property Owner Requests, Core Team Reviews, and Determinations**



## Contents

1. Mound Site Core Team Memorandum: Mound Core Team process to evaluate Mound Business Park property owner requests for land uses not specifically addressed under Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Records of Decision (RODs) (December 16, 2021)
2. U.S. Department of Energy Response to Pinnacle Architects *Request for Regulatory Approval of New Site Activity* Form, April 20, 2022, with two attachments:
  - a. Pinnacle request: “Mound Site, Miamisburg, Ohio Request for Regulatory Approval of New Site Activity”
  - b. Core Team evaluation: “Mound Core Team Evaluation of Proposed New Site Uses Pinnacle Architects (Former OSE Building)”



## Mound Site Core Team Memorandum

### **Mound Core Team process to evaluate Mound Business Park property owner requests for land uses not specifically addressed under Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Records of Decision (RODs)**

#### **Background**

After the U.S. Department of Energy (DOE) and Miamisburg Mound Community Improvement Corporation/City of Miamisburg agreed to industrial use as the future land use for the site, a process was developed to focus the cleanup approach on that end use and make property available for release and reuse. The property was divided into release blocks or parcels and evaluated per the *Work Plan for Environmental Restoration of the DOE Mound Site, The Mound 2000 Approach*, February 1999. A figure showing the site boundary and parcels is contained as Attachment A. After each parcel was cleaned up and evaluated, a CERCLA ROD was developed. The CERCLA RODs dictate permitted land uses via institutional controls (ICs) at the Mound Site. The CERCLA ICs, bulletized below, run with the land in the form of restrictions and covenants in Quit Claim Deeds (QCDs), or activity and use limitations in the Environmental Covenant (EC) (parcel 9 only):

- Maintenance of industrial or commercial land use and prohibition against residential land use.
- Prohibition against the use of groundwater without prior written approval from U.S. Environmental Protection Agency (EPA) and Ohio EPA.
- Prohibition against the removal of soil from within the site boundary (as of 1998) to offsite locations without prior written approval from U.S. EPA, Ohio EPA, and Ohio Department of Health (ODH).
- Prohibition against the removal of concrete floor material in specified rooms of T Building to offsite locations without prior written approval from U.S. EPA, Ohio EPA, and ODH.
- Prohibition against the penetration of concrete floors in specified rooms of T Building locations without prior written approval from U.S. EPA, Ohio EPA, and ODH.
- Allowing site access for federal and state agencies for the purpose of sampling and monitoring.

The RODs detail specific land uses that will not be permitted onsite, but the list in the RODs is not all-inclusive. Land parcels may not be used for any residential or farming activities, or for any other activities that could result in the chronic exposure of children less than 18 years of age to soil or groundwater from the premises. Prohibited land uses listed in the RODs include, but are not limited to, single or multifamily dwellings or rental units, schools, and childcare facilities.

Upon conclusion of remediation activities at the Mound site (excluding groundwater) in 2006, much of the site had been transferred to the Mound Development Corporation (MDC), a non-profit associated with the City of Miamisburg, to manage the site's economic redevelopment as an industrial park (i.e. Mound Business Park).

In anticipation of future growth and development of the Mound Business Park, on January 15, 2019, the City of Miamisburg passed Ordinance 6758 titled MB-1 Mound Business District that applies to all lands within the boundaries of the Mound Business Park. MB-1 was designed to promote orderly growth of Mound Business Park; identify that CERCLA institutional controls have been imposed upon parcels within Mound Business Park; identify both permitted and prohibited uses; and establish basic standards for structures, landscaping and other improvements on the properties within Mound Business Park.

Until 2019, requests for regulatory approval of site uses not specifically prohibited by the CERCLA RODs were limited to short duration activities (science fair competition) or one-time events ("Turkey Trot" Thanksgiving Day footrace). In response to those requests, the Core Team created the "Request for Regulatory Approval of New Site Activity" form that the requestor would complete, providing details that will be used to assist with the evaluation of the activity. Examples of the type of information needed include timeframe and duration of event, ages of participants, and amount of time spent on site. The "Request for Regulatory Approval of New Site Activity" form is contained in Attachment B.

## **Purpose**

The purpose of this document is to outline a process for evaluating property owner or lessee requests for land uses that are not specifically addressed in the CERCLA RODs and ICs. Any lessee requests would come through the property owner. This process will allow for a more consistent approach for review of future requests. This document does not change or modify the existing ICs identified in the RODs, QCDs, or Parcel 9 EC. Land uses prohibited under the existing ICs will not be considered or evaluated.

## **Property Owner Request Process**

The proposed process is as follows:

Activity Requestor (land owner, lessee, etc.) shall fill out the "Request for Regulatory Approval of New Site Activity" form (Attachment B) and submit to DOE Legacy Management (LM) as the lead agency under CERCLA for evaluation. DOE LM shall notify the Core Team and share the request.

DOE LM will then evaluate the request by doing the following:

- Engage directly with the property owner, should clarification of the request be needed.
- Review of existing information such as historical land uses, previous requests, and available site information (e.g. RODs, QCDs, Mound Land Use Controls Uncertainty Analysis, Parcel 9 EC).
- Engage legal counsel, other subject matter experts, and the Core Team as necessary.

- Evaluate the requested activity and bounding conditions against the exposure conditions in the specific parcel Residual Risk Evaluation.
- Perform a risk assessment if deemed necessary by the Core Team.

After completing the request evaluation, DOE-LM will prepare and present a recommendation to the Mound Core Team. The Core Team, in coordination with agency legal counsel when appropriate, will issue a decision on the request and notify the property owner.

Should a request be denied by the Core Team, the property owner will be given the opportunity to request a meeting with LM to discuss.

All new site activity requests and the Core Team's decision to approve/or deny the request will be included in LM's next annual report on effectiveness of ICs. This would ensure all such requests and approvals/disapprovals are archived in a single, publicly available document. For requests that are still pending, those will not be recorded in the annual IC report.

Any decision acted upon by the Core Team will be made in accordance with CERCLA requirements only and will be independent of any state or local ordinances or zoning actions, since the U.S. government has no control over such activities. Should the regulators agree that a requested land use is protective of human health and environment as defined in approved CERCLA documents, LM would notify the affected parties such as the property owner, MDC (manages Mound Business Park), and City of Miamisburg (implements and enforces zoning requirements).

The Core Team will not rely upon local government ordinances or zoning restrictions to be the primary means of IC enforcement; however, when properly coordinated with the appropriate local governing entity, zoning and other ordinances could provide an additional layer of protectiveness for ensuring property owners are aware of CERCLA ICs.

## **Monitoring Process**

DOE will monitor compliance of any new site activities that are approved by the Core Team in the same manner that DOE monitors compliance with Mound sitewide and T Building specific ICs. In the event DOE determined a property owner was not complying with the regulator-approved new site activity/land use (e.g., was using property inconsistent with the originally proposed bounding conditions the Core Team evaluated, upon which the regulators based their final decision), DOE would take the lead in resolving the issue with the property owner. Resolution could include dialogue with the property owner to use the land only in accordance with the stated bounding conditions and regulator-approved land use, or suggestion that the property owner submit an additional new site activity request for Mound Core Team's consideration. Both DOE and the regulators would have the authority to enforce compliance with regulator-approved new site activity/land uses.

Any new DOE monitoring requirements associated with regulator-approved new site activities would be captured in the Mound Long-Term Surveillance and Maintenance plan/Operations and Maintenance plan as appropriate.

## Enforcement Actions

This process was developed to offer clarification on land uses that are not specifically identified in the RODs and subsequent execution instruments (QCDs, ECs, etc.). This is not to change or erode property use restrictions. As the grantor who created the original restrictive Covenants and ICs, the United States would likely take the lead in their enforcement, probably through the Department of Justice or the local US Attorney's office (Reference: Tormey memo 2/17/1999 and included in Attachment C).

### Attachments:

Attachment A – Mound, Ohio, Site Boundary and Parcel Figure

Attachment B – Request for Regulatory Approval of New Site Activity Form

Attachment C – Randy Tormey Memo dated February 17, 1999

DOE:

Signed electronically on 6-14-21.

---

Brian Zimmerman, DOE-LM Mound Site Manager

USEPA:

Signed electronically on 12-16-21.

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David Seely, EPA Region 5, Remedial Project Manager

OEPA:

Signed electronically on 6-22-21.

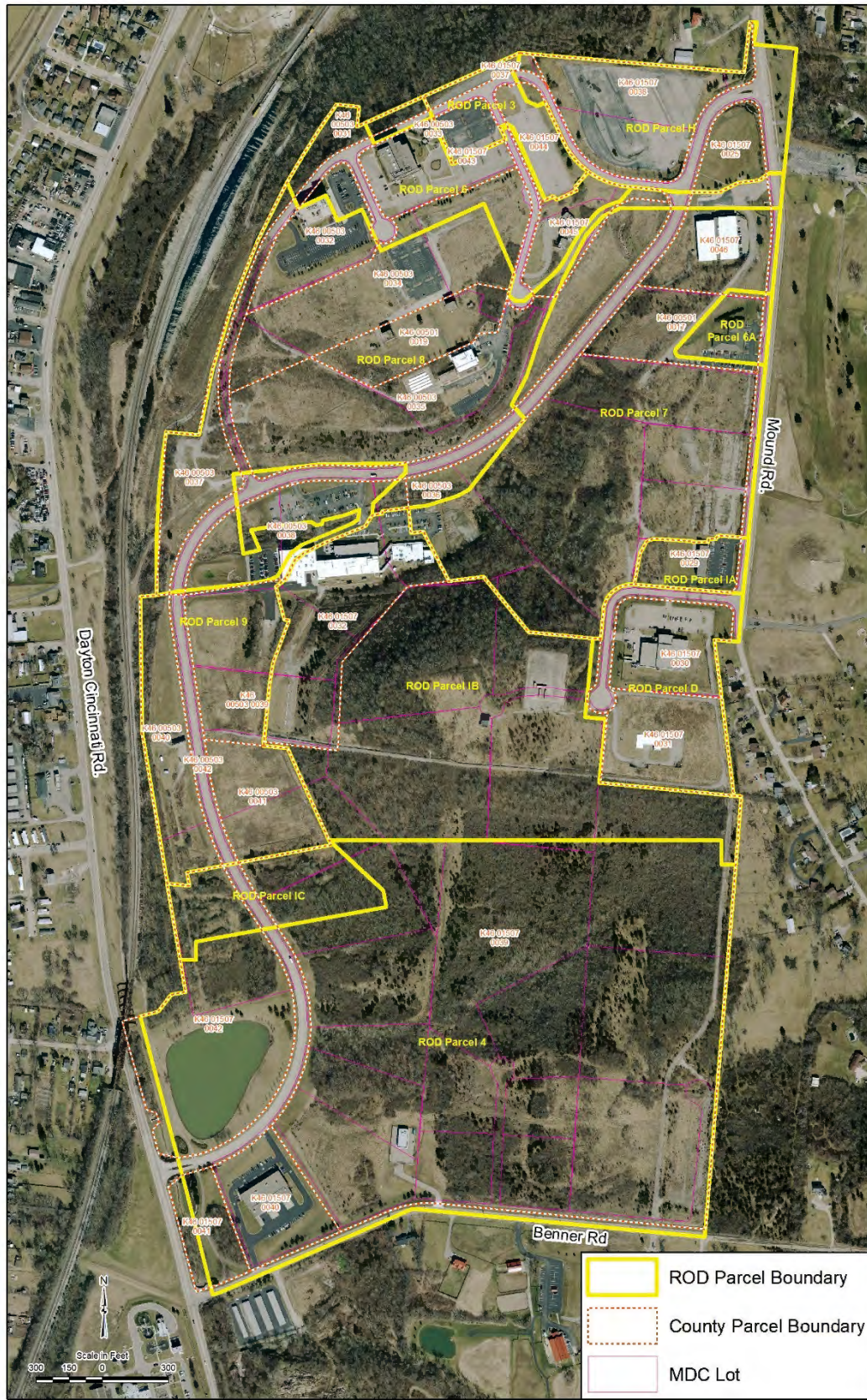
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Brian Nickel, Ohio EPA, Remedial Project Manager



Attachment A

Mound, Ohio, Site Boundary and Parcel Figure



Attachment B

Request for Regulatory Approval of New Site Activity Form

## Mound Site, Miamisburg, Ohio Request for Regulatory Approval of New Site Activity

This is a formal request to the U.S. Department of Energy (DOE), the Environmental Protection Agency (EPA) and the Ohio EPA to provide written approval of an activity not generally covered by the institutional controls at the Mound Site. The institutional controls are part of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) remedies established in the Records of Decision for the Mound Site.

The Mound site institutional controls run with the land in the form of restrictions and covenants in quitclaim deeds or activity and use limitations in the Environmental Covenant: See the *Operations and Maintenance (O&M) Plan for the U.S. Department of Energy Mound Site, Miamisburg, Ohio*, for details on records of decision.

- Maintenance of industrial or commercial land use and prohibition against residential land use.
- Prohibition against the use of groundwater without prior written approval from EPA and Ohio EPA.
- Prohibition against the removal of soil from within the site boundary (as of 1998) to offsite locations without prior written approval from EPA, Ohio EPA, and ODH.
- Prohibition against the removal of concrete floor material in specified rooms of T Building to offsite locations without prior written approval from EPA, Ohio EPA, and ODH.
- Prohibition against the penetration of concrete floors in specified rooms of T Building locations without prior written approval from EPA, Ohio EPA, and ODH.
- Allowing site access for federal and state agencies for the purpose of sampling and monitoring.

Submitting Organization: \_\_\_\_\_

Sponsoring Organization: \_\_\_\_\_

Date Submitted: \_\_\_\_\_

<b>1. The proposed activity:</b>
<b>2. Describe the proposed site activity. (Add supplemental documentation to this form if required)</b>
<b>3. Does the proposed activity violate any of the following restricted uses described in quitclaim deeds and the Environmental Covenant? (Note: Environmental Covenant is applicable only to Parcel 9 – see attached figure) Yes <input type="checkbox"/> No <input type="checkbox"/></b> <ul style="list-style-type: none"> <li>• Will not use, or allow the use of, the Premises for any residential or farming activities, or any other activities which could result in the chronic exposure of children under eighteen years of age to soil or groundwater from the Premises. Restricted uses shall include, but not be limited to:               <ol style="list-style-type: none"> <li>1) single or multifamily dwellings or rental units;</li> <li>2) day care facilities;</li> <li>3) schools or other educational facilities for children under eighteen years of age;</li> <li>4) community centers, playgrounds, or other recreational or religious facilities for children under eighteen years of age</li> </ol> </li> <li>• Will not extract, consume, expose, or use in any way the groundwater underlying the premises without the prior written approval of the EPA and the Ohio EPA.</li> <li>• Will not remove soil from the property except for exempted area in northeast corner Parcel H. without the prior written approval of the EPA and the Ohio EPA.</li> </ul>
<b>4. Is this a short-term or permanent activity? If short term, what duration do you anticipate? Specific date(s)?</b>

5. When do you wish to begin this activity?
6. What ages of individuals would participate in this activity?
7. Estimate an average duration of time on site that these individuals participate in this activity? (hours per day x number of days per year; or hours per month; or total hours per year)

<b>FOR REGULATOR USE ONLY</b>
1. What is the basis for approval/disapproval?
2. What actions, precautions, notifications (if any) are required to mitigate risk?
3. Does a risk assessment need to be performed by DOE? Attach a copy.

**Approvals:**

Print name	Signature	Date
<b>U.S. Environmental Protection Agency Representative</b>		

Print name	Signature	Date
<b>Ohio Environmental Protection Agency Representative</b>		

Concurrence:

Print name	Signature	Date
<b>U.S. Department of Energy Representative</b>		



Attachment C

Randy Tormey Memo dated February 17, 1999

## MEMORANDUM

Date: 2/17/99

To: File

From: Randolph Tormey, Deputy Chief Counsel, Ohio Field Office, US DOE

Subject: Institutional Controls, Mound Facility, Miamisburg, Ohio

A question has arisen as to the validity and method of enforcement of restrictive covenants ("institutional controls") in deeds of conveyance for real property at the DOE Mound Facility, Miamisburg, Ohio. Currently in question are restrictive covenants to be placed upon a portion of the real property known as "Parcel D" as follows:

"The parties hereto intend the following restrictions and covenants to run with the land and to be binding upon the Grantee and its successors, transferees, and assigns or any other person acquiring an interest in the Premises, for the benefit of Grantor, USEPA and the State of Ohio, acting by and through the Director of the Ohio EPA or ODH, their successors and assigns.

Grantee covenants that any soil from the Premises shall not be placed on any property outside the boundaries of that described in instruments recorded at Deed Book 1214, pages 10, 12, 15, 17 and 248; Deed Book 1215, page 347; Deed Book 1246, page 45; Deed Book 1258, pages 56 and 74; Deed Book 1256, page 179; Micro-Fiche 81-376A01; and Micro-Fiche 81-323A11 of the Deed Records of Montgomery County, Ohio (and as illustrated in the CERCLA 120(h) Summary, Notices of Hazardous Substances Release Block D, Mound Plant, Miamisburg, Ohio dated January, 1999) without prior written approval from the Ohio Department of Health (ODH), or a successor agency.

Grantee covenants not to use, or allow the use of, the Premises for any residential or farming activities, or any other activities which could result in the chronic exposure of children under eighteen years of age to soil or groundwater from the Premises. Restricted uses shall include, but not be limited to:

- (1) single or multifamily dwellings or rental units;
- (2) day care facilities;
- (3) schools or other educational facilities for children under eighteen years of age; and
- (4) community centers, playgrounds, or other recreational or religious facilities for children under eighteen years of age.

Grantor shall be contacted to resolve any questions which may arise as to whether a particular activity would be considered a restricted use.

Grantee covenants not to extract, consume, expose, or use in any way the groundwater underlying the premises without the prior written approval of the United States Environmental Protection Agency (Region V) and the Ohio Environmental Protection Agency."

Under Ohio law there is no uniform or standard manner to encumber property since there are as many valid reasons for restricting the use of property as there are means to effect those purposes. Recordation of the

restrictions with the county recorder for the county in which the land is situated is generally required for the restrictions to be enforced so as to provide knowledge of their existence. While all courts disfavor restrictions upon the free use of land, Ohio law provides that "courts must enforce a restriction where it is clearly and unambiguously found in a covenant." Brooks v. Orshoski, 1998 WL 484560 (Oh App. 6 Dist.) In general, the court will "construe the language of the restriction by giving it its common and ordinary meaning, and read the restrictive covenants as a whole to ascertain the intent of the creator." Id. This states the basic rule followed by courts in Ohio. It also seems that restrictive covenants are viewed more favorably when they serve some public purpose. The above covenants seem to be of this nature. Based upon the case law in Ohio, the above-stated restrictive covenants are in a form that is acceptable in Ohio and should be enforced by the courts in this state.

Ohio Revised Code (ORC) § 5301.25(A) provides "All ... instruments of writing properly executed for the conveyance or encumbrance of lands ... shall be recorded in the office of the county recorder of the county in which the premises are situated..." Further, Note 2 under this section mentions that "Proper recording of instrument serves as constructive notice of interest or encumbrance to all who claim through or under grantor by whom such deed was executed," citing Thames v. Asia's Janitorial Service, Inc., (Lucas 1992) 81 Oh App. 3d 579, 611 N.E. 2d 948, motion overruled 65 Ohio State 3d 1458. Furthermore, under ORC § 5301.48 to have "marketable record title" a landowner must have an unbroken chain of title of record for forty years or more. This places upon the buyer of property the need to search the record title for at least the past 40 years, which typically reveals any "cloud" on the title. Of course, the above-mentioned covenants would be such a cloud and would be noted by the subsequent buyer. In a subsequent sale that buyer would then place the covenants in the following deed thereby perpetuating this notice. It should be noted that the lack of a cloud for the forty-year period would normally eliminate the restriction, except under ORC § 5301.53(G) any right, title or interest of the United States may not be extinguished in this manner. This indicates that the restrictive covenants will run with the land and will be enforced against any property owner who takes the property through a deed in the chain of title from DOE.

Enforcement of the restrictive covenants would be through an injunctive action which could be brought by any party for whose benefit the restrictions were put in place. Brooks v. Orshoski, 1998 WL 484560 (Ohio App. 6 Dist.), Meisse v. Family Recreation Club, Inc., 1998 WL 70503 (Ohio App. 2 Dist.). Obviously the governmental agencies mentioned in the draft deed for Parcel D would be such a party, however it is also conceivable that any other party intended as the beneficiary of the restrictive covenants could likewise bring an action for enforcement. In view of the public purposes served by the above-mentioned covenants this class of persons could be quite large. As the grantor creating the restrictive covenants, the United States would likely take the lead in their enforcement, probably through the Department of Justice or the local US Attorney's office.

Based upon the foregoing, I conclude that restrictive covenants (institutional controls) are enforced by the courts of Ohio, particularly when they serve a public purpose. The covenants suggested would run with the land and recordation would assure notice of their existence. They are typically enforced through an injunctive action by any party intended to be a beneficiary of the restrictions. In this case, most likely by the United States.

*Randy Torrey*



## Department of Energy

Washington, DC 20585

April 20, 2022

Mr. Ferdinand Ejinaka  
Pinnacle Architects  
480 Vantage Point  
Miamisburg, OH 45342

Subject: U.S. Department of Energy Response to Pinnacle Architects *Request for Regulatory Approval of New Site Activity Form*

Dear Mr. Ejinaka:

This letter is in response to Pinnacle Architects *Request for Regulatory Approval of New Site Activity* form (Pinnacle request) for new proposed activities (conference center, restaurant, and medical office) located at 480 Vantage Point, Miamisburg, Ohio 45342 (formerly known as the OSE Building) within the boundaries of the former Mound Site in Miamisburg, Ohio. In accordance with the site's Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) documents and following a review of the proposed uses in comparison to previous residual risk evaluations, the Mound Site Core Team, consisting of members of the U.S. Department of Energy Office of Legacy Management (LM), Environmental Protection Agency (EPA) and Ohio Environmental Protection Agency (Ohio EPA), have completed review of the Pinnacle Request.

The Mound Site Core Team approves this request. LM, in consultation with EPA and Ohio EPA, concluded the proposed activity uses along with the proposed bounding conditions provided in the Pinnacle request (and if followed by property owner, tenants, or visitors) would not result in unsafe exposures for either employees over the age of 16 years or adult or child visitors.

It is important to understand this approval only applies to the activities specified in the above referenced request proposed in the former OSE Building. Additionally, this approval does not state nor imply a blanket approval for other new activities in the OSE Building or any other buildings within the former Mound Site's boundaries.

This decision has been made in accordance with CERCLA requirements only and is independent of any state or local ordinances or zoning actions, as the U.S. government has no control over such activities. The requestor is responsible for any other state, or local business requirements. The regulators have agreed this requested land use is protective of human health and environment as defined in approved CERCLA documents, however, it should be noted that some land uses proposed by the Pinnacle Architects request are not approved by the city under the current MB-1 zoning ordinances.

This letter and its enclosures serve as notification to the affected parties including the property owner, Mound Development Corporation, and the City of Miamisburg. Property owners are responsible for notifying their tenants.


Please contact me at (636) 485-0036 or [Tiffany.Drake@lm.doe.gov](mailto:Tiffany.Drake@lm.doe.gov) if you have any questions. Please send any correspondence to:

U.S. Department of Energy  
Office of Legacy Management  
7295 Highway 94 South  
St. Charles, MO 63304

Sincerely,

**Tiffany L.  
Drake**

Tiffany Drake  
Mound Site Manager

 Digitally signed by Tiffany  
L. Drake  
Date: 2022.04.20 13:48:50  
-05'00'

Enclosures

cc w/enclosures via email:

Syed Quadri, EPA  
Scott Glum, Ohio EPA  
Shannon Dettmer, Ohio DHS  
Chris Fine, City of Miamisburg  
Andrew Rodney, City of Miamisburg  
Ellen Stanifer, City of Miamisburg  
Dick Church, MDC  
April Hauser, MDC  
Cliff Carpenter, DOE-LM  
Becky Cato, RSI  
Chuck Friedman, RSI  
Greg Lupton, RSI  
Joyce Massie, RSI  
DOE Read File  
File: E/19/584 F/20/205



**Mound Site, Miamisburg, Ohio**  
**Request for Regulatory approval of new site activity**

This is a formal request to the Environmental Protection Agency (EPA) and the Ohio EPA to provide written approval of an activity not generally covered by the institutional controls at the Mound Site. The institutional controls are part of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) remedies established in the Records of Decision for the Mound Site.

The Mound site institutional controls run with the land in the form of restrictions and covenants in quitclaim deeds or activity and use limitations in the Environmental Covenant: See the *Operations and Maintenance (O&M) Plan for the U.S. Department of Energy Mound Site, Miamisburg, Ohio*, for details on records of decision.

- Maintenance of industrial or commercial land use and prohibition against residential land use.
- Prohibition against the use of groundwater without prior written approval from EPA and Ohio EPA.
- Prohibition against the removal of soil from within the site boundary (as of 1998) to offsite locations without prior written approval from EPA, Ohio EPA, and ODH.
- Prohibition against the removal of concrete floor material in specified rooms of T Building to offsite locations without prior written approval from EPA, Ohio EPA, and ODH.
- Prohibition against the penetration of concrete floors in specified rooms of T Building locations without prior written approval from EPA, Ohio EPA, and ODH.
- Allowing site access for federal and state agencies for the purpose of sampling and monitoring.

Submitting Organization: PINNACLE ARCHITECTS - 480 VANTAGE PROPERTY OWNER  
Sponsoring Organization: \_\_\_\_\_  
Date Submitted: 11/14/19

1. The proposed activity:	<u>CONFERENCE CENTER, EATING ESTABLISHMENTS RESTAURANT &amp; MEDICAL OFFICE</u>
2. Describe the proposed site activity. (Add supplemental documentation to this form if required)	<u>CONF. CENTER: SPECIAL EVENTS VENUE w/ CATERED FOOD FOR A WHOLE VARIETY OF FUNCTIONS. RESTAURANT: SALE OF FOOD TO THE PUBLIC. OUR FACILITY USED TO HOUSE A CAFETERIA &amp; SERVING LINE &amp; DINING ROOMS FOR THE MOUND CAMPUS. THIS IS A SIMILAR USE, EXCEPT FOR THE PUBLIC. MEDICAL OFFICE: PHYSICIAN OFFICES FOR EXAM - NOT AMBULATORY CARE OR HOSPITAL FUNCTIONS</u>
3. Does the proposed activity violate any of the following restricted uses described in quitclaim deeds and the Environmental Covenant? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<ul style="list-style-type: none"><li>• Will not use, or allow the use of, the Premises for any residential or farming activities, or any other activities which could result in the chronic exposure of children under eighteen years of age to soil or groundwater from the Premises. Restricted uses shall include, but not be limited to:<ul style="list-style-type: none"><li>1) single or multifamily dwellings or rental units;</li><li>2) day care facilities;</li><li>3) schools or other educational facilities for children under eighteen years of age;</li><li>4) community centers, playgrounds, or other recreational or religious facilities for children under eighteen years of age</li></ul></li><li>• Will not extract, consume, expose, or use in any way the groundwater underlying the premises without the prior written approval of the EPA and the Ohio EPA.</li><li>• Will not remove soil from the property except for exempted area in northeast corner Parcel H. without the prior written approval of the EPA and the Ohio EPA.</li></ul>
4. Is this a short-term or permanent activity? If short term, what duration do you anticipate? Specific date(s)?	<u>PERMANENT ACTIVITY.</u>
5. When do you wish to begin this activity?	<u>AS SOON AS WE WOULD FIND TENANTS FOR USES DESCRIBED. COULD BE WITHIN A FEW MONTHS.</u>

**Mound Site, Miamisburg, Ohio**  
Request for Regulatory approval of new site activity

6.	What ages of individuals would participate in this activity?	TYPICALLY ADULTS, THE RESTAURANT & CONFERENCE CENTER MAY HAVE CHILDREN BUT THIS WOULD BE FOR SHORT PERIODS OF TIME ON A LIMITED BASIS. NOT A 'CHRONIC EXPOSURE'.
7.	Estimate an average duration of time on site that these individuals participate in this activity? (hours per day x number of days per year; or hours per month; or total hours per year)	CONF. CENTER: 3-4 HRS. PER DAY (TYPICALLY 1 TIME EVENT) RESTAURANT: 1-2 HRS MAY BE 6 TIMES PER YEAR. MEDICAL OFFICE WOULD BE SIMILAR TO RESTAURANT.
8.	Does a risk assessment need to be performed? Attach a copy.	NOT REQUIRED BY OUR COMPANY.

FOR REGULATOR USE ONLY	
1.	What is the basis for approval/disapproval?
2.	What actions, precautions, notifications (if any) are required to mitigate risk?

Approvals:

Syed Quadri	SYED QUADRI	3/28/22
Print name	Signature	Date
U.S. Environmental Protection Agency Representative		

Scott Glum	Scott Glum	3/16/22
Print name	Signature	Date
Ohio Environmental Protection Agency Representative		

Concurrence:

Tiffany Drake	Tiffany L. Drake	3/16/22
Print name	Signature	Date
U.S. Department of Energy Representative		

## **Mound Core Team Evaluation of Proposed New Site Uses Pinnacle Architects (Former OSE Building)**

Pinnacle Architects, the owner of the former OSE Building, requested that the following uses be allowed on the property:

- Conference center – special event venue with catered food and drink
- Restaurant – sale of food to the public with cafeteria and dining room
- Medical office – physician offices for routine medical services

The property owner completed the required “*Request for Regulatory Approval of New Site Activity*” form for the Core Team to review. The property owner included the required information that identified typical ages of visitors and employees and time that would be spent at the location (i.e., duration of potential exposure). The form is included as Attachment A.

For the evaluation of the Pinnacle Architects request, LM reviewed a risk evaluation that was performed in 2014 for applicability to the Pinnacle Architects request. The previous use requests that received approval in 2014 were for specific, limited activities that included the following:

- science fair (middle school to adult, annual event),
- outdoor summer worker (high school to adult, seasonal exposure), and
- walker/jogger (toddler to adult, exposure throughout the year)

The 2014 evaluation did not include a new risk assessment; rather the exposure assumptions from the Parcels 6, 7 & 8 Residual Risk Evaluation (RRE) were used as a starting point to evaluate the exposure for the proposed activities or uses. The two exposure scenarios defined under the Mound 2000 approach of office worker and construction worker were used to build the activity-based risk scenarios. The office worker and construction worker scenarios are based on adult exposures, where an adult is defined as older than 18 years, during reasonably expected work conditions of a 40-hour work week. Under the Mound 2000 approach, no consideration was given to exposures for children under the age of 18. The 2014 evaluations extrapolated the RRE exposure assumptions to include child exposure scenarios for the activities listed above. The analysis determined that the proposed activities did not exceed the permitted exposure limits and did not result in unsafe exposures to participants. The Mound Core Team approved these 3 uses and a summary of the 2014 risk evaluation is included as Attachment B.

For the Pinnacle Architects request, the office worker and construction worker scenarios were again used as starting point. The LM Contractor risk assessment SME involved in the 2014 evaluation also evaluated the Pinnacle Architect’s request and determined that the proposed land uses along with the proposed bounding conditions (if followed by property owner, tenants, or visitors) would not result in unsafe exposures for either visitors or employees under either scenario. It was decided that the employees at the proposed facilities match the office worker scenario, noting that this scenario was based on a 40-hour work week. If an employee of 16 or

17 years old was hired, per EPA guidance there is no age adjustment factor for a child 16 years old or over; therefore, exposure would be same as an adult employee.

Visitors for any of these businesses include both adults and children. The estimated duration for visits to these businesses was estimated to be 12 hours per year on site, which is conservative when using the estimated durations provided by Pinnacle Architects. The 2014 science fair scenario or walker-jogger scenarios, which assumed 16 hours/year and 175 hours/year, respectively, where both only a small fraction of the permitted exposure. Therefore, it was concluded that visitors to these proposed businesses, would be well below the permitted exposures.

The evaluation of the Pinnacle Architects request concludes that the proposed activity uses along with the proposed bounding conditions provided in the request (and if followed by property owner, tenants, or visitors) would not result in unsafe exposures for either employees over the age of 16 years or adult or child visitors.

## **Appendix F**

**Aerial Photo with ROD Parcels, County Parcel, and MDC Lot  
Boundaries, March 2021**





Mound Site 2021 Aerial Photo Showing ROD Parcel, County Parcel, and MDC Lot Boundaries

## **Appendix G**

### **Mound Business (MB-1) to Special Development District (SDD-3)**



ORDINANCE NO. 7006

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP TO REZONE THE PROPERTY AT 945 CAPSTONE DRIVE (CITY LOT #8058) FROM MOUND BUSINESS (MB-1) TO SPECIAL DEVELOPMENT DISTRICT (SDD-3), AND TO APPROVE THE COMPANION DEVELOPMENT GUIDELINES REPORT, PRELIMINARY DEVELOPMENT PLAN, AND FINAL DEVELOPMENT PLAN.

WHEREAS, an Agent of the Owner of City Lot #8058 filed an application with the City of Miamisburg Development Department to rezone the subject parcel from Mound Business (MB-1) to Special Development District (SDD-3); and

WHEREAS, the subject property, due to its distinctive history and construction, is uniquely difficult to re-utilize or redevelop for commercial or industrial purposes in accordance with the rules and regulations governing the Mound Business Park; and

WHEREAS, establishing the SDD-3 district will allow the Owner to make beneficial use of the property which would otherwise be unlikely under the MB-1 zoning designation; and

WHEREAS, the City of Miamisburg Planning Commission reviewed the requested rezoning in accordance with the provisions set forth in the City Charter and the Planning and Zoning Code; and

WHEREAS, the City of Miamisburg Planning Commission found the proposed rezoning and accompanying reports and plans to be consistent with the requirements and standards of the Planning and Zoning Code, and meets the intent of the City of Miamisburg Comprehensive Plan, and therefore recommends their adoption; and

WHEREAS, City Council reviewed the case material and concurred with the Planning Commission's recommendation.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MIAMISBURG, STATE OF OHIO, TWO-THIRDS OF THE ELECTED MEMBERS THERETO CONCURRING THAT:

Section 1.

The Development Guidelines Report as shown in "Exhibit A", attached hereto, is hereby approved.

Section 2.

Due to the unique nature of the building and site, no exterior improvements of significance are proposed. Therefore, neither a Preliminary nor a Final Development Plan is required at this time. If exterior improvements of significance are proposed in the future, the Special Development District regulations shall be amended as required by the Planning and Zoning Code.

Section 3.

The Zoning Map is subsequently amended, attached to, and made a part of Ordinance No. 2712 is hereby amended, per Exhibit B, to reflect the foregoing rezoning classification contained herein and the City Manager is authorized and directed to cause said rezoning to be reflected on the Zoning Map.

Section 4.

This measure shall take effect and be in full force from and after the earliest period allowed by law.

Passed: March 21, 2023

Attested: \_\_\_\_\_



Kim Combs, Clerk of Council

Approved: \_\_\_\_\_

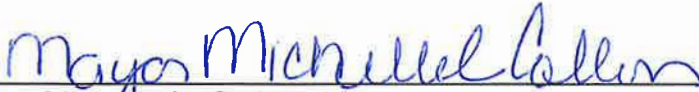
  
Michelle L. Collins, Mayor

EXHIBIT A

DEVELOPMENT GUIDELINES REPORT



## **Special Development District 3 (SDD-3)**

### **Development Guidelines Report**

945 Capstone Drive (aka T-Building)

January 2023

#### **SECTION 1 - DESCRIPTION OF THE SITE AND INTENT:**

##### **Parcels Included.**

The propose rezoning encompasses 4.26 acres located at 945 Capstone Drive, further identified as City Lot #8058 and County Parcel ID #K46 00501 0019.

##### **Ownership of Site.**

The Parcel Owner according to the Montgomery County Auditor is Patriot Communications, LLC with a mailing address of 965 Capstone Drive, Miamisburg, OH 45342.

##### **Justification for Special Development District Designation.**

The subject property, known as the Technical Building (aka T-Building), was the former site for enrichment of Polonium-210 needed in the manufacture of the initiators for nuclear weapons. Production of Polonium-210 at the T-Building began in 1947 and continued until 1975. The justification for a Special Development District is the unique architecture of the building. The structure is entirely subterranean, with no infrastructure on the surface except for the ventilation shafts visible above ground. The building walls are 16 feet thick, with 8-foot-thick floors, and three heavy blast doors protecting entrances to the interior vehicle tunnel. It was built to withstand the most powerful conventional weapon in the U.S. arsenal at the time: a 2,000 lb. semi-armor piercing jet-assisted torpedo. All waste liquids are pumped to the surface and ventilation is provided via air shafts and dual 200 ft. exhaust stacks. Due to its unique construction and the costs involved in maintaining the heating and ventilation systems, the building has extremely limited use for private commercial or industrial activity.

##### **Intent.**

The intent of this Special Development District is to allow the Owner to conduct specialized automotive manufacturing and storage within the building. It is believed these uses can co-exist with the uses permitted elsewhere on the Mound property. Furthermore, all activity related to the proposed uses would occur completely within the T-Building, thus having little to no impact on adjacent land uses and property owners. These uses are not permitted under the current MB-1, Mound Business, zoning classification.

*Refer to Exhibit 1 – Building Floor Plans – attached to this Special Development District document and incorporated herein for the Floor Plan of the existing building.*

#### **SECTION 2 - DEVELOPMENT GUIDELINES.**

The development of the site shall be in conformance with the following standards and guidelines:

- A) **Definitions:** In addition to the General Provisions and Definitions found in Chapter 1230 of the Miamisburg Zoning Code, the following definitions shall apply to this Special Development District.

- (1) **AFTER-MARKET CUSTOM VEHICLE MANUFACTURING AND RE-CONDITIONING:** The process of designing, re-conditioning, and manufacturing a unique, one-of-a-kind vehicle using after-market and custom parts and materials.
- (2) **LONG-TERM SECURE VEHICLE STORAGE, INTERNAL ONLY:** The long-term storage of private vehicles within a secured building.

B) Uses:

- (1) Permitted Uses. The following uses are permitted on the site:
  - A. After-Market Custom Vehicle Manufacturing and Re-Conditioning.
  - B. Long-term Secure Vehicle Storage, Internal Only.
  - C. All generally permitted uses in the MB-1 zoning district.
- (2) Special Uses. The following special uses are subject to review in accordance with Chapters 1294 and 1296 of the Planning and Zoning Code:
  - A. All special uses in the MB-1 zoning district.
- (3) Accessory Uses. The following accessory uses are permitted on the site:
  - A. Any accessory use customary to a Permitted Use provided it occurs wholly within the building.
- (4) Prohibited Uses. The following uses are prohibited:
  - A. All prohibited uses in the MB-1 zoning district, except for those expressly permitted as noted above.

C) Specific Requirements:

- (1) Outside storage of vehicles or materials of any kind for any reason, other than customary parking for employees, visitors, and customers, is prohibited.
- (2) Deliveries by semi-trailer or similar vehicle are prohibited.
- (3) Deliveries of vehicles, parts, or other materials shall not obstruct the normal flow of traffic on any public street, nor access to any parking lot from any public street.
- (4) Noise, fumes, vibrations, pollution, or any other negative externality shall not be readily perceptible beyond the property boundaries. Any such readily detectible negative externality shall cease immediately upon notification by the City of Miamisburg.
- (5) Detached accessory buildings or structures of any kind are prohibited.

D) All Other Requirements:

As required under MB-1 zoning and the rules and regulations of the Miamisburg Zoning Code and all other applicable codes and ordinances.

Exhibit Summary:

Exhibit 1 – Building Floor Plans



## RECOMMENDATION OF THE PLANNING COMMISSION

January 24, 2023

Scott Thomae  
14481 Anthony Road  
Germantown, OH 45327

Cold War Customs  
945 Capstone Drive  
Miamisburg, OH 45342

**RE: Case RZ-01-2023, Zoning Map Amendment @ 945 Capstone Drive**

Greetings,

Please accept this letter as Official Notice of a recommendation in Case RZ-01-2023. On Monday, January 23, 2023, the Planning Commission, by a 5-0 vote, RECOMMENDED APPROVAL of an amendment to the Official Zoning Map to rezone the property located at 945 Capstone Drive (City Lot #8058) from Mound Business (MB-1) to Special Development District (SDD-3), and the companion Development Guidelines Report, Preliminary Development Plan, and Final Development Plan.

The matter will appear on the City Council agenda under New Business on Tuesday, February 21, 2023 at 6:00pm in Council Chambers at 10 N. First Street, Miamisburg, OH 45342. Your attendance at the meeting is requested to answer questions of City Council.

Should you have any questions or concerns, please call (937-847-6536) or email (andrew.rodney@cityofmiamisburg.com).

Sincerely,

Andrew E. Rodney, AICP  
City Planner

CC: File

---

**Development / Planning / Inspection Departments**

20 E. Central Ave. • Miamisburg, Ohio 45342  
937-847-6532 • FAX 937-847-6662

EXHIBIT B  
PROPOSED ZONING MAP

# Ord. 7006, Proposed Zoning Map

