

STATE OF NEW YORK: DEPARTMENT OF ENVIRONMENTAL CONSERVATION

In the Matter of the Development and Implementation of Corrective Action for a Hazardous Waste Management Facility, Pursuant to Article 27, Title 9 and Article 71, Title 27 of the Environmental Conservation Law of the State of New York by:

Tecumseh Redevelopment, Inc.
4020 Kinross Parkway
Richfield, Ohio 44286

Corrective Measures Study
Order on Consent
Amendment No. 1
File No. 03-73

Respondent.

1. Corrective Measures Study Order on Consent File No. 03-73 (the "Order" or the "CMS Order") was fully executed on June 30, 2009.
2. As required by the Order, Respondent undertook a Corrective Measures Study of the Tecumseh site ("the CMS Site" or "the Site") and submitted, for Department review, a Corrective Measures Study Report on October 31, 2014, and a supplement to the report on January 30, 2015.
3. Pursuant to Section XII of the CMS Order, the Department and Respondent now hereby agree to modify the Order by adding Amendment No. 1.
4. The Department waives any claims of non-compliance with the Order that could have been made prior to the execution of this Amendment No.1.

Amendment No. 1:

Hiring an Independent Environmental Consultant

5. Prior to this Amendment, Respondent was not responsible for any costs incurred by the State

associated with the Site.

6. Respondent now agrees to pay a capped portion of the State's cost associated with the hiring of an Independent Environmental Consultant ("IEC").

7. The IEC will provide technical support to the Department as the Department reviews the CMS Report, related documents, reports and information to prepare the final decision document for the CMS Site.

8. Respondent's responsibility for State Costs under this Amendment will be limited to One Hundred and Twenty-Five Thousand Dollars (\$125,000) for the duration of this Order.

9. The contracting of the IEC, issuance of the Work Assignment, and payment to the IEC will be handled pursuant to the procurement procedures of DER's "Bureau of Program Management Contracts and Payments Section for Engineering Standby Contracts".

10. Invoices (1 hard copy and 1 electronic copy) will be sent to Respondent at the following addresses:

Tecumseh Redevelopment, Inc.
Attn: Keith A. Nagel
4020 Kinross Lakes Parkway
Richfield, Ohio 44286-9000

Keith.Nagel@arcelormittal.com

11. Engineering, consulting, and other similar firms and individuals who are performing consulting or contracting work for Respondent in any other capacity, at any facility owned by Respondent, its parent, subsidiary, or affiliated corporations or business entities, are precluded from functioning as the IEC.

12. The IEC must have staff available that possess the requisite educational background, certifications, licenses and experience necessary to perform the various tasks outlined in the Work Assignments that will be prepared by the Department.
13. It is permissible for the IEC to subcontract for specialized services with prior written approval from the Department.
14. The IEC and the IEC's staff will report directly to, and be directed by, the Department in all matters relating to the Work Assignment. The IEC owes the duties of exclusive confidentiality and avoiding conflicts of interest to the Department.
15. Copies of all documentation and records developed, collected or generated by the IEC in connection with their Work Assignment for the Department are the sole property of the Department.
16. Within forty-five (45) days after receipt of an itemized invoice from the Department, Respondent must pay the Department a sum of money that represents reimbursement for State Costs associated with the IEC.
17. Failure to timely pay an invoice will be subject to late payment charges and interest at a rate of 9% from the date the payment is due until the date payment is made.
18. Late payment charges are not included in the One Hundred and Twenty-five Thousand Dollars (\$125,000) maximum liability cap for IEC services.
19. Payment, made payable to the New York State Department of Environmental Conservation, should be sent to:

Director, Bureau of Program Management
Division of Environmental Remediation

NYS Department of Environmental Conservation
625 Broadway
Albany, New York 12233-7012

20. Failure by Respondent to make the required payment of an invoice within the 45 days provided herein will be considered a violation of CMS Order 03-73 and will subject Respondent to enforcement for non-compliance.

21. This Order on Consent Amendment No. 1 shall terminate and be deemed null and void upon the earlier of (a) the date Respondent has paid the capped amount of \$125,000 or (b) the date upon which the Department has approved a decision document that presents the final corrective measures selected for the site and Respondent has paid a final invoice for the IEC.

NOW THEREFORE:

The parties agree that CMS Order 03-73 is hereby modified to add Amendment No. 1 to its terms and conditions. All other terms and conditions remain the same. Respondent agrees to be bound by the provisions, terms and conditions contained herein and in CMS Order 03-73. The Effective Date of the Order, remains June 30, 2009.

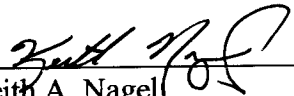
Dated: June 29, 2015
Buffalo, New York

Joseph J. Marten
Commissioner
New York State Department
of Environmental Conservation

By: Abby M. Snyder
Abby M. Snyder
Regional Director

CONSENT BY RESPONDENT

Respondent hereby consents to the issuing and entering of this Order, waives respondent's right to a hearing herein as provided by law, and agrees to be bound by this Order.

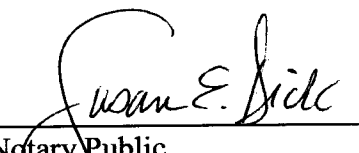
By: 
Keith A. Nagel

Title: DIR. ENVIR AFFAIRS

Date: June 18, 2015

STATE OF OHIO)
) s.s.:
COUNTY OF SUMMIT)

On this 18th day of June, 2015, before me personally came Keith A. Nagel, to me known, who being duly sworn, did depose and say that he resides in Richfield, Ohio; that he is the Director of Environmental Affairs, Teamwork, Redevelopment, Inc, the corporation described in and which executed the foregoing instrument; that he knew the seal of said corporation; that the seal affixed to said instrument was such corporate seal; that it was so affixed by the order of the Board of Directors of said corporation and that he signed his name thereto by like order.


Notary Public
Susan E. Dick

Commission expires: Nov. 6, 2017

