

ATTACHMENT E

**November 23, 2015 Letter,
IRGI to Dr. Stephen TerMaath
U.S. AIR FORCE**

**MEMORANDUM, DECEMBER 9, 2014,
IRGI TO DR. TERMAATH, USAF
("BENEFITS MEMORANDUM")**

MEMORANDUM

To: Steve Termaath, USAF

From: IRG Redevelopment 1

Date: December 9, 2014

Subj: Lowry Vista Redevelopment
Benefits/Potential Liabilities to USAF and Path to Development

1. Purpose of Memorandum

This memorandum outlines the benefits that will accrue to the United States Air Force (USAF), associated with the development of the former landfill and the nearby surrounding lands at the former Lowry Air Force Base. Also included are descriptions of the potential liabilities and liability mitigation that is appropriate.

2. Benefits

- a. Private sector funding of construction and long-term maintenance of a more permanent remedy.
 - Additional fill further isolates waste.
 - Establishment of a dual cap (hardscapes of development above current impermeable cap).
- b. Primary responsibility for environmental monitoring and reporting issues will shift from USAF to Lowry Vista Metro District (LVMD)
- c. Long-term Operation and Monitoring Costs borne by LVMD - See Special District Outline, attached hereto as Addendum A.
 - Operation, maintenance and monitoring costs borne by LVMD in perpetuity. As a political subdivision of the State of Colorado, LVMD will retain covenant control of the property and interaction with the subsurface through the life of the current development and subsequent redevelopments.
 - LVMD has taxing authority to pay for its environmental obligations. The LVMD has statutory authority to impose taxes and fees on the property and business owners of the District to finance infrastructure costs (such as roads, sidewalks, and parks) and utilities to be built. In addition, short and long-term, environmental related, engineered protections and maintenance (such as long term air and groundwater monitoring) will be the responsibility of and financially covered by the LVMD. This level of

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support extends well beyond terms of privatization deal with the USAF and any environmental insurance policy that may be placed given the limits of such policies. See Addendum B.

- d. Single point of contact for future environmental interactions
 - LVMD will control Redevelopment Work Plan and oversight with site owners/users, under supervision of the Colorado Department of Public Health and Environment (CDPHE) and the City and County of Denver.
- e. Documented reduction in human health risk and potential for ecological damage from the current undeveloped status of the landfill.
 - The presence of essentially two impermeable caps over much of the surface area of the landfill will reduce potential interactions with the residual waste materials and thus reduce environmental liability for the site.
 - The development of the site will create documentation regarding the proposed uses and validate potential future risk exposures.

Future users will require a thorough understanding of the risks to attract tenants and financing. Two institutional developers are already under contract on the site (one commercial, one apartment).
- f. Redevelopment from landfill to a vibrant multi-use site will redirect public perception of property.
- g. State of the Art demonstration project for other USAF assets.
 - Use of metropolitan district to transfer long-term cost and risk.
 - Demonstration of compatibility of mixed-use development on historic landfill (this is consistent with other private sector redevelopments on historic landfills; see Addendum C).
- h. Demonstration of USAF commitment to return property to productive reuse and benefit communities.
 - Economic win for Denver makes the City an advocate for this redevelopment.
 1. More than \$50,000,000 in construction revenues and attendant jobs.
 2. Creation of 650 long-term jobs.
 3. Substantial sales and property tax revenue for Denver. Creation of 18+ acres of improved public open space.

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3. Potential Costs/Liabilities with Associated Risk-Management Strategies (Mitigation)

a. Short term

- Predevelopment – Pre-development subsurface investigations to evaluate soil for geotechnical purposes; verify trench locations, and evaluate soil gas may pose risk of discovery of additional USAF wastes for which it may be responsible.

1. Mitigation:

- a. Millions of dollars have been spent on prior intrusive studies on landfill and previous investigations. Therefore, there is a low risk of a new discovery.
- b. Construction of landfill cap provided substantial information regarding trench parameters.
- c. Primary purpose of investigation is geo-technical.
- d. The work plan does not call for pursuing contamination.
- e. Subsurface investigation will be guided by use of surface geophysics to highlight trench locations and to minimize the number of boreholes.
- f. Closure of boreholes will be consistent with current remedy. All boreholes will be 2.25 inches in diameter. Those seeking to verify trench locations will encounter no more than the upper four feet of waste material. Waste will be containerized, characterized, and properly disposed offsite. All boreholes will be plugged over its entirety with bentonite-clay chips pursuant to Colorado regulations. The vegetative top layer will be restored. The work plans (“Field Investigation Work Plan” and “Cap Penetration Work Plan”) have already been approved by CDPHE in December 2013.
- g. Investigation Plans are already reviewed and conditionally approved by CDPHE. Any revisions will also be vetted by CDPHE.
- h. Financial assurance, upon acceptance as adequate by CDPHE, will be put in place to ensure landfill cap restoration.

- Development Risks – Potential risk of discovery of additional USAF wastes for which it may be responsible.

1. Mitigation:

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- a. Development plan, particularly deep utilities, have very limited interaction on site below the current cap.
- b. Placement in excess of 10 feet of engineered fill above current cap will allow most utilities and foundations to be above current cap.
- c. Cap will be restored where penetrations are proposed to assure a continuous cap and ongoing isolation of any underlying waste.
- d. Foundation engineering conducted by potential users does not call for piers or other deep foundation structures, thus reducing the possibilities of waste disturbance.
- e. An additional "Redevelopment Work Plan" to be approved by CDPHE. This additional Plan will define for all developers the rules for development including, in part:
 - i. Materials Management Plan
 - ii. Indoor air monitoring
 - iii. Groundwater monitoring
 - iv. Commercial and residential-use restrictions
 - v. Detailed quantitative risk evaluation of the entire development both during construction and post development
 - vi. Vapor barrier and water-discharge design and monitoring requirements
 - vii. Building foundation limitations
 - viii. Public involvement requirements
 - ix. Landfill-cap-penetration limitations and modification/repair requirements
 - x. Overall long-term environmental monitoring and reporting requirements
 - xi. Construction quality assurance requirements during redevelopment
 - xii. Financial assurance for development requirements to ensure landfill cap restoration if needed.
 - xiii. Revised Enforcable Agreement, Deed and Environmental Covenant documents clearly outlining the roles and responsibilities of the Air Force, CDPHE and users of the site.

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- f. IRG Redevelopment I and LVMD will provide real-time oversight of the Redevelopment Work Plan under CDPHE regulatory monitoring.

- b. Long term Potential Risks – Potential liabilities associated with long-term use of the site.
 - Mitigation Measures
 1. Environmental covenants will be recorded to minimize long-term potential risks:
 - a. Vapor barriers required for all buildings that will be occupied
 - b. No groundwater use
 - c. No surface ponding of water
 - d. Reference to Redevelopment Plan for any development or maintenance work
 - e. Reference to LVMD for reporting requirements
 2. Facilities will be designed to account for potential long-term risks.
 3. Ongoing monitoring will identify any potential exposures at an early stage.
 4. Building owners and LVMD will address these exposure pathway risks instead of USAF.
 5. LVMD will own and retain control of public infrastructure, including utilities.
 6. LVMD will oversee long-term the Redevelopment Plan which includes the Soils Management Plan and any sub-surface disturbance at the site.
 7. Once constructed, environmental insurance can be used to address potential remedial expense that may accrue to users or LVMD. This benefits the USAF at no cost.

- 4. Main Causes of Failure for Landfill Redevelopment Nationwide and Relevance to Lowry
 - a. Insufficient control of methane off-gassing from landfill can cause potentially harmful exposure to building occupants or, worst case, an explosive risk.
 - Eight years of vapor monitoring data at the former Lowry Landfill show little to no methane along the perimeter monitoring wells.
 - Surface geophysics followed by confirmatory boreholes will be used to verify trench locations and to locate soil-gas borings for worst-case measurements.

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- Little to no methane is anticipated to be found in samples from soil-gas borings.
 - All buildings will be required to have a vapor-barrier installed as part of construction. Vapor-barrier installation and maintenance have become successful standard operating procedure for structures where any possibility for vapor intrusion exists. Additional measures will be taken as needed or as required by CDPHE.
- b. As a result of the decomposition of the underlying waste and the consequential off-gassing of methane, the landfill surface subsides.
- Given the little to no methane detected, minimal subsidence is anticipated
 - The engineered fill will minimize sub-surface settlement issues.
 - No subsidence issues have been observed at the site since construction of the current cap.
 - Foundation design will take the landfill parameters into account.
 - Low risk facilities (e.g. parking lots) are to be constructed over the majority of the trenches.
- c. Offsite migration in groundwater of contaminant leachate causing potential exposure to landfill contaminants.
- Eight years of groundwater-monitoring data at the Lowry Landfill show no offsite migration of landfill contaminants.
 - Hydraulically downgradient of the landfill are sports fields and parks.
 - Municipal water is used offsite and will be used on-site. Thus there are, and will continue to be, no local potable wells.
 - The redeveloped landfill will restrict use of any groundwater onsite.
- d. Insufficient regulatory oversight.
- The state of Ohio is a prime example of failed landfill redevelopment as a result of insufficient regulation.
 - Therefore, Ohio promulgated Rule 13 in 2010. See Addendum D.
 - Subsequently, Ohio has had several successful landfill redevelopment projects (see attached examples of successful redevelopments on landfills for the state of Ohio).
 - CDPHE oversight of the Lowry Landfill is consistent with Ohio's Rule 13.

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- CDPHE is actively engaged in the redevelopment process.
- e. See Addendum C for descriptions and citations to successful landfill redevelopments.

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ADDENDUM A

SPECIAL DISTRICTS IN COLORADO

Title 32 Special Districts ("Special District") are created and governed by Title 32 of the Colorado Revised Statutes and are autonomous units of local government. They may be formed under the authority of a municipality or a county and serve a wide variety of purposes. Their operation is similar to a city government without the police powers. Special Districts are legally classified as quasi-municipal corporations and political subdivisions of the state of Colorado. Special Districts have their own enabling statutes and are generally subject to the same case law as any municipal corporation. See, §§ 32-1-101 through 1605, C.R.S.

A. **Continuing Oversight** is provided to some degree although the special district is an independent and autonomous unit of local government. Special Districts must comply with the terms of the approved Service Plan. In particular, the provisions concerning improvements, services, financing methods and other material features of the district may not be altered. Any "material modifications" to the Service Plan must be approved or acquiesced in by the governing body of the county or municipality after proper notice. The municipality, the county, or an interested party may enjoin unapproved activities that are a material departure from the Service Plan. Article X, §20 (TABOR) of the Colorado Constitution provides oversight of debt, spending, revenue generation and taxing power of all state and local governments and requires voter authorization in elections for the approval of new or increases to debt, spending, revenue and taxing authorization. Special Districts must comply with the annual local government budget and appropriation requirements, must conduct annual audits or qualify for an exemption from audit. Special Districts may only invest funds in instruments approved for the investment of public funds. Special Districts must hold open meetings and must keep open records. Special Districts must comply with the Colorado Constitutional prohibitions against certain kinds of debt and must comply with Colorado Constitutional prohibitions against aid to private corporations.

B. **Improvements and Services** include nearly any public improvements or services. Water, sewer, streets, drainage, parks and recreation, fire protection, television relay and translation, mosquito control, traffic safety protection and public transportation are included among common services and facilities provided by Special Districts.

C. **Financing** may be provided by issuing general obligation bonds, revenue bonds or coupon bonds. The special district may assess *ad valorem* property taxes, fees, rates, tolls or charges for repayment of debt or to provide ongoing services. A special district cannot incur debt or increase its mill levy without approval of its electors. Districts are subject to the Taxpayer's Bill of Rights (TABOR) found in Article X, § 20, Colorado Constitution.

D. **Governing Body.** A special district is governed by a five-member board of directors elected to staggered terms by the residents and property owners within the district.

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The district is largely self-governing and autonomous within the limits of state law and its approved Service Plan. Directors are elected to staggered four year terms and must stand for re-election after the expiration of a term. Directors must be qualified, tax paying electors of the district elected or appointed to office.

E. **State, Municipal and County and Elector Controls.** There are various forms of oversight and controlled exercised by governmental bodies of the actions of a special district. These controls have been of particular importance in avoiding municipal bond defaults and high mill levies. The Special District Control Act, §§32-1-201, *et seq.*, C.R.S., contains many of the controls and supervision maintained on special districts. Most significant of these is the formation process that allows public input and the creation of the Service Plan. The Colorado Municipal Bond Supervision Act requires a review of district bond issues by the State Securities Commissioner. §§ 11-59-101 through 120, C.R.S

F. **Miscellaneous Additional Powers:**

1. Perpetual existence to provide ongoing facilities and services;
2. Condemnation powers.
3. The ability to issue revenue bonds based upon fee and charges imposed for services
4. The power to join with other governmental entities to provide facilities and services by way of intergovernmental agreements is encouraged.
5. The power to seek modification of its own powers.
6. The power to enter into contracts for the provision of facilities and services.
7. Governmental immunity from suit for matters that could have been asserted as torts.
8. The ability to assess differential mill levies for differing facilities and services provided with the District `s boundaries.
9. A special district may be able to override or avoid zoning and other requirements of a statutory county in which it is located.

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ADDENDUM B

LOWRY VISTA METROPOLITAN DISTRICT AUTHORITY

1. Political Subdivision of the State of Colorado. LVMD enjoys all of the powers and protections afforded to local governments under the Colorado Constitution, Statutes and Case Law.
2. Service Plan Authorization. LVMD's Service Plan, approved by the City and County of Denver, authorizes LVMD to own, maintain, operate, repair and replace public infrastructure in perpetuity including but not limited to, streets, water, sanitary sewer, storm drainage, and parks and recreation. Material modifications to the Service Plan require approval by the Denver City Council, other actions require prior written approval by the Manager of Finance, the Manager of Public Works, and/or the Manager of Parks and Recreation. **The Service Plan specifically authorizes LVMD to conduct environmental monitoring, reporting and maintenance programs.**
3. Continuing Oversight by Denver. LVMD and Denver are required to enter into an intergovernmental agreement (IGA) addressing incurrence of debt, construction and operation of essential public infrastructure, and District services. Denver retains oversight of District activities including debt issuance, construction and operation of public infrastructure and the exercise of certain statutory powers, such as condemnation.
4. Funding. LVMD is authorized to impose operating and debt service mill levies on all property located within the District, and to impose fees, rates, and charges to pay for the cost of providing services and facilities, including issuing general obligation municipal tax-exempt bonds. State statutes and the Service Plan place limitations on debt that may be issued by the District related to repayment obligations and the long term solvency of the District.

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ADDENDUM C

CITATIONS OF SUCCESSFUL LANDFILL REDEVELOPMENTS

Former Cal Compact Landfill, Carson, CA – The 157-acre Class II landfill was active from 1959 to 1965. The site is currently in the process of being redeveloped into a mixed use commercial and residential development.

https://www.dtsc.ca.gov/SiteCleanup/Projects/upload/Cal_Compact_FS_Site_Restoration.pdf
<http://www.bas.com/news.asp#3>

Former Junipero Serra Landfill, Colma, CA – The 8-acre landfill operated from 1956 to 1983 as a sand quarry and received solid waste to fill the voids. The waste depth reached 130 feet. The site was redeveloped for commercial uses, collectively known as ‘Metro Center, and includes a Home Depot.

http://en.wikipedia.org/wiki/Junipero_Serra_Landfill
<http://www.calrecycle.ca.gov/LEA/Training/closure/PCLU/2006Feb/Presentation/Day1/CaseStudies/GregSchirle.pdf>
http://www.scsengineers.com/scs-secure/Papers/mMcLaughlin&Miller_WasteAge_LandfillTrends_Colma_Home_Depot_and_Westport_Office_Park.pdf

Former San Quentin Disposal Site, San Rafael, Marin County, CA – The 38.5 acre facility received waste from 1967 thru 1987 including construction, nursery and landscape waste. The site has been redeveloped for retail use including a 135,000 sq. ft. Target store.

<http://acm.cityofsanrafael.org/Assets/CDD/targetaddendum.pdf>
<https://corporate.target.com/discover/article/San-Rafael-Target-store-earns-LEED-Gold>

Former Redwood Shores Landfill, Redwood City, CA - The 85-acre facility operated from the mid-1940’s to 1970 as a municipal waste landfill. It has been redeveloped into ‘Westport Office Park’, containing approximately 1 M sq. ft. of office space in 20, two-story, buildings.

<http://www.vancebrown.com/westport.html>
http://www.scsengineers.com/scs-secure/Papers/mMcLaughlin&Miller_WasteAge_LandfillTrends_Colma_Home_Depot_and_Westport_Office_Park.pdf

Former Sheridan Landfill, Denver, CO – The 135 acre site includes two unlined landfills closed in 1977. The wastes included asbestos-containing material, medical waste, 40,000 cubic yards of low-level radioactive waste, PCB-contaminated material, and free product from a leaking underground storage tank. The site has been redeveloped into a commercial retail center, The River Point at Sheridan’, which houses a Costco and Target as its anchors. The full retail capacity is .75 M sq. ft.

<http://www.rcalaw.com/files/River%20Point%20at%20Sheridan%20Overview.pdf>

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http://www.denverpost.com/arapahoeco/ci_25759728/river-point-at-sheridan-is-success-landfill-becomes

<http://www.colorado.gov/cs/Satellite?blobcol=urldata&blobheadername1=Content-Disposition&blobheadername2=Content-Type&blobheadervalue1=inline%3B+filename%3D%22River+Point+at+Sheridan.pdf%22&blobheadervalue2=application%2Fpdf&blobkey=id&blobtable=MungoBlobs&blobwhere=1251811767318&ssbinary=true>

Former Acworth Landfill, Acworth, GA – The 40 acre landfill has waste reaching 65 feet thick and had a subsurface smoldering fire when redevelopment began. The site has been redeveloped and fully leased into ‘Lakeside MarketPlace’, a 330,000 sq. ft. retail center anchored by a SuperTarget, PETCO, Circuit City and OfficeMax.

<http://www.naproperties.com/lakeside-marketplace-opens-100-leased/>

<http://ophelia.sdsu.edu:8080/ford/01-24-2009/our-values/environment/air-climate/fairlane-green/environmental-sustainability-625p.html>

http://waste360.com/Landfill_Management/waste_fire_fashion

Former Reading Massachusetts Landfill, Reading, MA - The 33.5 acre municipal landfill operated until 1984. It has been redeveloped into approximately .5 M sq. ft. of mixed commercial/retail including a Home Depot, IMAX Theater, multiple restaurants, a bank, and others.

http://www.vhb.com/project.asp?pagename=prj_21251_WalkersBrook

http://www.dickinsondev.com/cs_wbrook.shtml

Former Allen Park Clay Mine Landfill, Allen Park, Michigan – The 243 site was a clay quarry used to produce bricks during the 1920’s for Ford Motor Company. It was then filled with non-organic waste such as steel by-products and building debris until 2003. The site has been redeveloped into ‘Fairlane Green’, a 1 M sq. ft. retail/recreational center anchored by Home Depot and Target stores.

<http://ophelia.sdsu.edu:8080/ford/01-24-2009/our-values/environment/air-climate/fairlane-green/environmental-sustainability-625p.html>

Former Union County Landfill, Elizabeth, NJ – The 166 acre municipal landfill was closed in 1972. The site has been redeveloped into a 1.5 M sq. ft. ‘Jersey Gardens Metro Mall’, employing 5200 people. The mall opened in 1999.

<https://www.csu.edu/cerc/researchreports/documents/Brownfieldlocalfinancingtools.pdf>

http://www.nytimes.com/2008/03/30/realestate/30njzo.html?_r=0

http://marissavaish.com/wp-content/uploads/2012/07/LS-Paper_small.pdf

Former North Sussex Landfill, North Sussex, NJ – The 75-acre municipal landfill was left unclosed by the Town because of a lack of funds. A developer was brought in to officially close

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the landfill as part of the development process. A 250,000 sq. ft. FedEx Ground Distribution facility opened on the former landfill in 2006.

<http://www.woodmontproperties.com/dover-park-fedex-commercial.html>
http://www.nytimes.com/2008/03/30/realestate/30njzo.html?_r=0

Former Anglesea Beach Colony Landfill, North Wildwood, NJ – This 20 acre sanitary-waste landfill received waste up through the mid-1960's. It is now a 96-unit luxury resort housing community.

<http://www.sadat.com/PDF%27s/Project%20Histories/Brownfields/Seaboard.pdf>
<http://www.nyfederation.org/pdf/redevelopmentoflandfills.pdf> (summarizes 6 successful landfill redevelopment projects)
http://www.scsengineers.com/Papers/Mayes_McLaughlin_Residential_Development_on_Closed_Landfills.pdf

Stafford Township, NJ – This unlicensed 14-acre landfill has been redeveloped to house a Target store.

<https://corporate.target.com/discover/article/a-new-life-for-a-landfill>

Former Carteret Landfill, Carteret, NJ – This former 70-acre municipal solid waste facility was redeveloped into a state-of-the-art warehouse facility that houses the International Trade and Logistics Center (iPort2). Two warehouses sit on top of the landfill, comprising 1.25 M sq. ft. of storage space.

<http://www.moretrench.com/cmsAdmin/uploads/Carteret-Web.pdf>

Former Goodyear Landfill, Akron Ohio - Located on Goodyear Tire and Rubber Headquarters property, this 540 acre redevelopment site is a prime example of successful contaminated site development. Goodyear was ready to leave its longtime historic headquarters in the mid 2000's with a loss of thousands of jobs to the local economy. A developer (one of the partners for this Lowry Vista project – Industrial Realty Group) convinced Goodyear to stay and has built a new World Headquarters facility on the site for Goodyear, as well as redeveloping the old headquarters for residential, commercial and retail use. Today there is not a loss of employees at the site, but an increase of thousands of new workers. Almost 200 acres of the site is a historic construction and industrial waste landfill created from over 50 years of Goodyear's tire research and manufacturing operations. Early in the redevelopment process the State of Ohio stated that it was highly unlikely that this landfill would ever be allowed to be redeveloped. Today, there is active redevelopment of two City of Akron arterial roadways on the landfill with structure development to follow in the near future. This redevelopment will include over 1,000,000 square feet of retail, commercial and hospitality uses. The site has been a model of successful redevelopment on contaminated historic industrial land. A large multi-entity team of regulators, developers, governmental officials and the public have worked closely to achieve safe and environmentally prudent redevelopment. Much of the environmental work on the site has been

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funded by Department of Transportation and State of Ohio contaminated sites funding. The project has won several awards for environmental excellence.

<http://www.eastendakron.com/>

<http://www.developmentfinanceauthority.org/client/Images/GoodyearCOAFApp.pdf>

<https://www.flickr.com/photos/63837784@N08/9693137365/>

http://www.greaterakronchamber.org/cms/resource_library/files/55df97475686a6b3/chamber_and_city_of_akron_receive_silver_excellence_award_from_iedc.pdf

<http://www.brownfieldassociation.org/Documents/akron-agenda-9109.pdf>

Former Gowdy Field Landfill, Columbus, Ohio - The 19 acre landfill was filled with construction debris and trash for two decades. Redevelopment includes Time Warner Cable's regional headquarters, Ohio's Eye and Ear Institute, and the Stephanie Spelman Comprehensive Breast Center.

<http://www.pandeyenvironmental.com/gowdywinning.pdf>

<http://www.daimlergroup.com/projectgallery/9150lentangy.aspx>

http://en.wikipedia.org/wiki/Gowdy_Field

Former Bedford Landfill, Gahanna, Ohio – The 200-acre landfill was a licensed solid waste facility that operated for 25 years. The site has been redeveloped as multi-use: golf, offices, and retail.

<http://www.bizjournals.com/columbus/stories/2006/05/15/daily15.html>

http://en.wikipedia.org/wiki/Gahanna,_Ohio

http://valuererecovery.com/wordpress/?page_id=159

Former Rossman Landfill, Oregon City, Oregon - The 100-acre landfill received municipal solid waste from 1963 – 1983. The site is being redeveloped as multi-use. It currently includes: a golf course, a fuel station and a Home Depot. An additional 600,000 square feet of retail is planned.

<http://www.geosyntec.com/UI/Default.aspx?m=ViewProject&p=16>

<http://www.brownfieldsconference.org/Documents/SessionDocument/Document/1329>

Former Debris Landfill, Virginia Beach, VA – The former 13.6 acre borrow pit was filled with construction debris during the early 1990's resulting from construction of nearby Interstate Highway 64. The site was redeveloped into the Lake Archway subdivision which includes 67 single-family homes.

http://www.epa.state.oh.us/portals/30/Brownfield_Conference/docs/Mike%20McLaughlin.pdf

http://www.scsengineers.com/Papers/Mayes_McLaughlin_Residential_Development_on_Closed_Landfills.pdf

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ADDENDUM D

OHIO RULE 13

http://www.epa.ohio.gov/portals/34/document/guidance/gd_631.pdf

<http://codes.ohio.gov/oac/3745-27-13>

(see attached pdf of Rule 13)