

August 9, 2010

Tom Simich, President  
Lansong Engineering & Development  
7603 Old Rockside Road  
Independence, Ohio 44131

Re: Bradley Road Landfill

Dear Mr. Simich:

At the conclusion of the meeting on July 28 we agreed that Old Brooklyn CDC would submit to you a list of general questions that may or may not be addressed in the operating agreement. Attached with this letter is the list. This also represents questions raised by Council Member Tony Brancatelli and WireNet.

This list and your responses to the questions are not a substitute for providing a copy of the actual agreement or a redacted copy for public review. It is submitted in the hope that it will allow you to provide the requested copy.

Please confirm receipt of this letter and a date by which time you think you will have a complete response.

Thank you.

Sincerely,

Tom Collins  
Commercial Manager

Copies: T. Brancatelli, Ward 12  
M. Hoag, WireNet  
R. Sandys, Old Brooklyn CDC

General questions regarding the operating agreement for surface mining and resumed land fill operations on the site of the Bradley Road Landfill.

#### Administrative

- Who are all the parties that sign the agreement?
- Who is the authorized signor for corporate signors?  
Name/title and contact information (no post office boxes)
- What other contracts, agreements, legal directives or settlements is this agreement subject to respect?

#### Terms

- What is the length of the agreement?
- What are the agreement extension terms?
- Under what conditions can the agreement be terminated, transferred or assigned?
- What is the process for settling agreement disputes among the signors of the agreement?
- Under what conditions (if any) may the owner sell and/or transfer some of/or the entire site to any other party during the life of the agreement?

#### Operations

- What activities are authorized in the agreement?
- What activities are prohibited in the agreement?
- Who has the authority to conduct the activities?
- Can any of the activities be subcontracted to another party who is not a signor of the agreement?
- Can the owner enter into any other agreements with any other party that would provide access to any part of the site?
- What access does the owner have to the site, for what purposes and under what conditions?
- How does the landfill and/or mining operator determine that the permitted activity has been completed?
- When the permitted activity is complete what condition will the site be left in?
- What may the site be used for when all permitted activity is complete?
- Who owns the site when the agreement expires?
- What are the operating days and hours of the permitted activities?

#### Past Operations

- What are the outstanding violations or issues from past operations, with what agencies or governments (e.g. EPA, City of Cleveland, etc)?
- How are these matters to be corrected and by who?
- Provide sections of the Operating Agreement that disclose the signing parties' acceptance and accountability for correcting violations referenced in the Settlement Agreement.

Provide specific plans and compliance schedule for correcting those violations including:

- Violations listed in the City license revocation order,
- Stabilization of the slope,
- Re-grading of erosion outside the slope area,
- Engineering plans for executing and completing the work.

#### Regulatory

- What municipal, county, state or federal offices/agencies/departments have some regulatory authority over the activities identified in the agreement?
- What bonds, insurance or other instruments of assurance are required either within the agreement or under regulatory authority?

#### Operational impact on neighboring properties

- What past damages to the site and neighboring properties does the agreement propose to correct and how?
- Does the agreement propose any compensation to neighboring property owners for new activity or in settlement of past activities?
- Where are the entry/exit locations on the site for mining equipment and truck traffic?
- What is the proposed route for truck traffic to and from the site?