UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION V

IN THE MATTER OF:	)	EPA REGION 5 DOCKET NO.
	)	V-W-'90-C-529
Copley Square Plaza Site	)	
Copley, Summit County, Ohio	)	AGREEMENT AND COVENANT
	)	NOT TO SUE:
	)	
UNDER THE AUTHORITY OF THE	)	
COMPREHENSIVE ENVIRONMENTAL	)	
RESPONSE, COMPENSATION, AND	)	AMERI-CON, INC.
LIABILITY ACT OF 1980,42 U.S.C.	)	AMERI-CON COPLEY, LTD
Section 9601, et seq., as amended.	)	

I. INTRODUCTION

This Agreement and Covenant Not to Sue ("Agreement") is made and entered into by and between the United States Environmental Protection Agency ("EPA") and Ameri-Con, Inc., and Ameri-Con Copley, Ltd. (collectively the "Parties").

EPA enters into this Agreement pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. Section 9601, et seq. and the authority of the Attorney General of the United States to compromise and settle claims of the United States.

Ameri-Con, Inc. and Arneri-Con Copley, Ltd. ("Settling Respondents") are an Ohio corporation and Limited Liability Company, respectively, that are engaged in the business of developing, constructing, and selling residential housing units. Settling Respondents have entered into a contract with the O'Shux. Inc. to purchase property owned by the O'Shux, Inc. and located at 2715 Copley Road, Copley, Summit County, Ohio ("Property"). The Property is part of the Copley Square Plaza Site ("Site"). From August 18, 1994 to April 1, 1995, the EPA, pursuant to its authority under CERLCA, conducted response actions to respond to releases