

OHIO E.P.A.

JUN 28 2011

ENTERED DIRECTOR'S JOURNAL

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**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

In the Matter of:

Ford Motor Company
Cleveland Casting Plant
Ms. Lynn Beamer
18300 Snow Road
Brook Park, Ohio 44142

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Director's Final
Findings and Orders

I certify this to be a true and accurate copy of the
official documents as filed in the records of the Ohio
Environmental Protection Agency.

I. JURISDICTION

By: John Lassiter Date: 6-28-11

These Director's Final Findings and Orders ("Orders") are hereby issued to Ford Motor Company ("Ford"), pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("ORC") Section 3734.02, Ohio Administrative Code ("OAC") Rule 3745-27-03(B), and OAC Rule 3745-27-05(A)(4).

II. PARTIES

These Orders shall apply to and be binding upon Ford and successors in interest liable under Ohio law. No changes in ownership relating to the Ford Cleveland Casting Plant, as hereinafter defined, shall in any way alter Ford's obligations under these Orders.

III. DEFINITIONS

Unless otherwise stated, all terms used in these Orders shall have the same meaning as defined in ORC Chapter 3734. and the rules promulgated thereunder. Unless otherwise stated, all OAC citations shall refer to rules in effect on the date of these Orders.

IV. FINDINGS

The Director of Ohio EPA ("Director") has determined the following findings:

1. Ford is the owner and operator of the Ford Cleveland Casting Plant ("Plant") located at 5600 Henry Ford Boulevard, in Brook Park, Cuyahoga County, Ohio. Ford utilized foundry sand mixed with a polymer to form molds used to produce engine

blocks at the Plant. Ford began operating the Plant in the 1950's, closed it in 2010, and it is scheduled for demolition in June 2011. Spent non-toxic foundry sand and mill pond sludge ("MPS") were generated at the Plant. MPS is foundry sand that was captured in the air pollution control devices, sluiced, and delivered to the mill ponds at the Plant, where it was dewatered. The MPS is a solid waste.

2. On October 8, 2010, spent non-toxic foundry sand was approved for beneficial reuse pursuant to permit to install (PTI) No. 751420. According to the PTI, Ford was granted authorization to fill the mill ponds with spent non-toxic foundry sand. The PTI required Ford to remove all MPS from the mill ponds and properly dispose the MPS.
3. On December 14, 2010, Ohio EPA received a request from Ford for authorization to alternatively dispose all the MPS currently located in and around the mill ponds at the Plant as mixture with the spent non-toxic foundry sand for stabilization in the mill ponds. In addition to the request, Ohio EPA received analytical data on December 14, 2010, February 17, 2011, and March 10, 2011 that indicates that MPS meets the criteria outlined in Ohio EPA's draft beneficial use policy and is similar to the spent non-toxic foundry sand that is already approved for beneficial use. Ford expects the ponds will be filled with approximately 220,000 tons of total mixture, which will include approximately 100,000 tons of MPS. Ohio EPA evaluated the contaminants in MPS relative to Class IV Residual Solid Waste (RSW) Landfill disposal limits and did not identify any exceedances. The mill ponds at the Plant will be similar to Class IV RSW Landfills, created through the Integrated Alternative Waste Management Program (IAWMP), instead of through a permit. A Class IV RSW Landfill is not required to have a liner or leachate collection system. Its contaminant levels are required to be below background ground water contaminant levels.
4. ORC Section 3734.01(E) defines "solid wastes," in pertinent part, to mean "such unwanted residual solid or semisolid material as results from industrial, commercial, agricultural, and community operations...."
5. ORC Section 3734.01(F) defines "disposal," in pertinent part, to mean "the discharge, deposit, injection, dumping, spilling, leaking, emitting, or placing of any solid wastes...into or on any land or ground or surface water or into the air...."
6. ORC Section 3734.01(N) defines "facility," in pertinent part, to mean "any site, location, tract of land, installation, or building used for incineration, composting, sanitary landfilling, or other methods of disposal of solid wastes...."
7. The activities described in Finding 3 of these Orders and in Ford's request constitute disposal of solid waste at a facility.

8. ORC Sections 3734.02(C), 3734.05(A)(1), and 3734.05(A)(2), and OAC Chapters 3745-27 and 3745-37 require that a permit and license be obtained prior to establishment or modification of a solid waste facility.
9. The activities described in Finding 3 of these Orders and in Ford's request constitute establishment or modification of a solid waste facility and require that a permit and license be obtained prior to initiating such activities.
10. OAC Rule 3745-27-05(A) specifies the methods of solid waste disposal that are authorized in Ohio. This rule authorizes sanitary landfilling, incineration, and composting as acceptable disposal methods. In addition, OAC Rule 3745-27-05(A)(4) states that solid wastes may be disposed as engineered fill or by land application, provided the Director determines that such alternative methods will not create a nuisance or harm human health or the environment and are capable of complying with other applicable laws.
11. The proposed disposal method described in Finding 3 of these Orders and in Ford's request is a method other than sanitary landfilling, incineration, or composting, and, therefore requires authorization from the Director pursuant to OAC Rule 3745-27-05(A)(4).
12. The disposal of MPS by the method described in Finding 3 of these Orders and in Ford's request can be performed without creating a nuisance or harming human health or the environment, and in compliance with other applicable laws, provided it is performed in accordance with the request as received on December 14, 2010 and the orders specified below.
13. Pursuant to ORC Section 3734.02(G) and OAC Rule 3745-27-03(B), the Director, by order, may exempt any person generating, collecting, storing, treating, disposing of, or transporting solid wastes in such quantities or under such circumstances that, in the determination of the Director, are unlikely to adversely affect the public health or safety or the environment from any requirement to obtain a permit or license or comply with other requirements of ORC Chapter 3734. and any rules adopted thereunder.
14. Based upon a review of the December 14, 2010 request, granting Ford an exemption from the requirements to obtain a permit and a license to establish a solid waste facility, as specified in Finding 7 of these Orders, is unlikely to adversely affect the public health or safety or the environment, provided that Ford performs the activities in accordance with the request and these Orders.
15. Pursuant to ORC Section 3734.57(A), the owner or operator of a solid waste disposal facility must collect and remit to the state a disposal fee for each ton of

solid waste disposed at the facility. However, pursuant to ORC Section 3734.57(D)(1)(a), the fees levied under ORC Section 3734.57(A) do not apply to the disposal of solid wastes that are disposed of at a facility owned by the generator of the wastes when the solid waste facility exclusively disposes of solid waste generated at one or more premises owned by the generator regardless of whether the facility is located on the premises where the wastes are generated. Ford is the generator of the MPS and is the owner of the property where the waste will be disposed. Therefore, these fees are not applicable.

16. Pursuant to ORC Section 3734.57(B), the solid waste management policy committee of a single or joint solid waste management district is authorized to levy a disposal fee on solid wastes disposed at solid waste disposal facilities located within the solid waste management district. The Cuyahoga County Solid Waste Management District has levied a disposal fee. However, pursuant to ORC Section 3734.57(D)(1), the fee levied under ORC Section 3734.57(B) does not apply to the disposal of solid wastes that are disposed of at a facility owned by the generator of the wastes when the solid waste facility exclusively disposes of solid waste generated at one or more premises owned by the generator regardless of whether the facility is located on the premises where the wastes are generated. Ford is the generator of the MPS and is the owner of the property where the waste will be disposed. Therefore, the fee is not applicable.

V. ORDERS

1. Pursuant to OAC Rule 3745-27-05(A)(4), Ford is hereby authorized to use MPS generated from the mill ponds as fill that will be mixed with spent non-toxic foundry sand at the Plant, as specified in Finding 3 of these Orders and in Ford's December 14, 2010 request, as an alternative disposal method.
2. Pursuant to ORC Section 3734.02(G) and OAC Rule 3745-27-03(B), Ford is hereby exempted from the requirements contained in ORC Sections 3734.02(C), 3734.05(A)(1), and 3734.05(A)(2), and OAC Chapters 3745-27 and 3745-37 to obtain a permit and license to establish and operate a solid waste facility in order to dispose of the MPS mixed with spent non-toxic foundry sand in the mill ponds at the Plant as specified in the December 14, 2010 request.
3. Solid waste originating from any location other than Ford's mill ponds, as described in Findings 1, 2, and 3 of these Orders, shall not be disposed at the mill ponds.
4. If the MPS is not used for fill in the mill ponds, the material shall be subject to solid waste disposal requirements and shall be taken to a licensed solid waste disposal

facility.

5. The mix of spent non-toxic foundry sand and MPS is expected to bring both mill ponds to grade. There shall be no depressions over the mill ponds. Any low areas within the footprint of the ponds shall be filled with aggregate or soil to raise the mill ponds to grade and both ponds shall be covered with soil and seeded.
6. Not later than 60 days after completion of this IAWMP project, Ford shall submit a report to Ohio EPA, Northeast District Office indicating the total weight in tons of solid waste used for the project.
7. The authorization granted in Order 1 and the exemptions granted in Order 2 shall apply only to the use of MPS generated at Ford's mill ponds to be mixed with spent non-toxic foundry sand as fill as proposed in Ford's request and described in Finding 3 of these Orders.
8. Nothing in these Orders shall be construed to authorize any activity, method, or waiver from the requirements of ORC Chapter 3734. or the regulations promulgated thereunder, except as expressly provided herein. These Orders shall not be interpreted to release Ford from responsibility under ORC Chapters 3704., 3734., or 6111.; under the Federal Clean Water Act, the Resource Conservation and Recovery Act, or the Comprehensive Environmental Response, Compensation, and Liability Act; or from other applicable requirements for remedying conditions resulting from any release of contaminants to the environment.

VI. MODIFICATION OF PERMIT TO INSTALL (PTI) NUMBER 751420

PTI Number 751420, issued on October 8, 2010, requires that Ford shall remove all solid waste material within and around the perimeter of the mill ponds and dispose of said waste at a licensed solid waste landfill facility. PTI Number 751420 is hereby modified such that the MPS currently located within and around the perimeter of the mill ponds at the Plant may be used in accordance with the provisions of these Orders.

VII. OTHER APPLICABLE LAWS

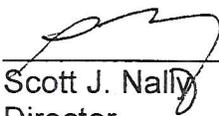
All actions required to be taken pursuant to these Orders shall be undertaken in accordance with the requirements of all applicable local, state, and federal laws and regulations. Nothing in these Orders shall be construed as waiving or compromising in any way the applicability and enforcement of any other statutes or regulations applicable to Ford. Ohio EPA reserves all rights and privileges except as specified herein.

VIII. RESERVATION OF RIGHTS

Nothing contained herein shall be construed to prevent Ohio EPA from seeking legal or equitable relief to enforce the terms of these Orders or from taking other administrative, legal, or equitable action as deemed appropriate and necessary, including seeking penalties against Ford for noncompliance with these Orders.

Nothing contained herein shall be construed to prevent Ohio EPA from exercising its lawful authority to require Ford to perform additional activities pursuant to ORC Chapter 3734. or any other applicable law in the future. Nothing herein shall restrict the right of Ford to raise any administrative, legal, or equitable claim or defense with respect to such further actions that Ohio EPA may seek to require of Ford. Nothing in these Orders shall be construed to limit the authority of Ohio EPA to seek relief for violations that may occur at Ford – Cleveland Casting Plant.

IT IS SO ORDERED:



Scott J. Nally
Director
Ohio Environmental Protection Agency