



OHIO E.P.A.

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ENTERED DIRECTOR'S JOURNAL

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

January 17, 2013

The Honorable Glenn Holmes
Mayor, Village of McDonald
451 Ohio Avenue
McDonald, OH 44437

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.

By: Judy Cassefer Date: 1-17-13

**RE: Former US Steel Corporation Site, Trumbull County,
OAC Rule 3745-27-13 Authorization**

Dear Mayor Holmes:

On June 25, 2012, the Ohio Environmental Protection Agency (Ohio EPA) received a request, dated June 21, 2012, titled *Rule 13 Authorization Application, Former US Steel Corporation, Village of McDonald, Trumbull County, Ohio*. Revisions to the document were received on October 9 and November 1, 2012. The document was submitted in accordance with OAC Rule 3745-27-13(E) by Brownfield Restoration Group, LLC, on behalf of the Village of McDonald (Village) for the former US Steel Corporation property (Facility).

OAC Rule 3745-27-13 requires authorization from the Director of Ohio EPA (Director) before engaging in filling, grading, excavating, building, drilling, or mining on land where a solid waste facility was operated. The Village is requesting permission to conduct drilling and excavation at the former US Steel property, which is located on the 100 block of Ohio Avenue. These activities are being performed to determine the nature, scope, and placement of alleged waste as part of an Ohio Voluntary Action Program (VAP) compliant Phase II assessment. Funding for the assessment is being provided to the Village by the Clean Ohio Assessment Fund. The area to be investigated was an unlicensed and unpermitted disposal area for steel mill and municipal solid waste through the early 1980s.

Based upon a review of the request and all subsequent revisions, I have determined, pursuant to OAC Rule 3745-27-13, that the proposed activities, if conducted in accordance with the request and the following conditions, will not result in violation of applicable laws and regulations, will not create a nuisance, and are unlikely to adversely affect the public safety or health or the environment. Therefore, the Village is hereby authorized to perform the activities outlined in this letter in accordance with the submitted and approved plans, specifications, and information.

As part of this authorization, the Village is subject to the following conditions:

CONDITIONS

1. This approval grants authorization to perform activities at the Facility in accordance with the June 21, 2012 document titled *Rule 13 Authorization Application, Former US Steel Corporation, Village of McDonald, Trumbull County* received June 25, 2012, and subsequent revisions received October 9 and November 1, 2012. All activities shall be conducted in strict accordance with the plans, specifications, and other information submitted as part of this request. There may be no deviation from the approved plans without prior written authorization from Ohio EPA. Any future activities at the Facility may require additional Ohio EPA approval.
2. Not later than seventy-two (72) hours prior to the start of the activities associated with this authorization, the Village shall submit written notification, which specifies the anticipated date of commencement, to Ohio EPA, DMWM, NEDO and the Trumbull County Health Department.
3. All on-site activities shall be accomplished in compliance with all applicable state and federal laws and regulations pertaining to environmental protection, including, but not limited to, the control of air pollution, leachate, surface water run-on and runoff, and protection of ground water.
4. All on-site activities shall be performed in a manner that prevents migration of leachate, explosive gas, or toxic gas from the Facility.
5. All activities undertaken shall be not create a nuisance and shall not adversely affect public safety or health or the environment.
6. All solid and/or hazardous waste to be removed from the Facility shall be containerized and securely stored until these materials are properly characterized and disposed in accordance with Ohio Revised Code (ORC) Chapter 3734 and the regulations promulgated thereunder.
7. All liquids, semi-solids, industrial wastes, and other wastes regulated by ORC Chapter 6111 that are removed during intrusive activities shall be containerized and securely stored until these materials are properly characterized and disposed in accordance with ORC Chapter 6111 and the regulations promulgated thereunder.
8. Prior to any removal of waste or contaminated soil from the Facility, the Village shall submit copies of sample analysis results, the treatment or disposal method

selected, and a letter of acceptance from the treatment or disposal facility to Ohio EPA, DMWM, NEDO, pursuant to OAC Rule 3745-27-13(H)(4).

9. Not later than sixty (60) days after completing the activities authorized by this approval, the Village shall submit to Ohio EPA, DMWM, NEDO a certification report in accordance with OAC Rule 3745-27-13(H)(10).
10. The Village shall take measures to control fugitive dust and other air emissions that may result from activities authorized by this approval.
11. For the purposes of erosion control during investigation of the landfill, the Village shall use best management practices and standards as specified in the National Resources Conservation manual titled *Rainwater and Land Development* prepared by the Ohio Department of Natural Resources, Division of Soil & Water Conservation.
12. No boring or excavation shall occur unless the excavated waste is replaced within previously existing horizontal and vertical limits of waste placement or is treated or disposed of at a licensed, permitted treatment or disposal facility, in accordance with ORC Chapter 3734 and the regulations promulgated thereunder.
13. If boring or excavation occurs outside the limits of waste placement at the Facility, the Village shall not use material consisting of solid or hazardous waste to backfill the bored or excavated areas.
14. In accordance with OAC Rule 3745-27-13(M), this authorization shall terminate three (3) years after its effective date if the Village has not begun the activities authorized herein.
15. In accordance with the OAC Rule 3745-27-13(K), the Director may revoke this authorization if the Village violates, or is likely to violate, any applicable law or if continued implementation of the authorized plans may cause a threat to human health or safety or the environment.

END OF CONDITIONS

You are hereby notified that this action of the Director of Environmental Protection (Director) is final and may be appealed to the Environmental Review Appeals Commission pursuant to Ohio Revised Code Section 3745.04. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. The appeal must be filed with the Commission within thirty (30) days after notice of the Director's action. The appeal must be accompanied by a filing fee of \$70.00 made payable to "Treasurer, State of Ohio." The Commission, in its discretion, may

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reduce the fee if by affidavit it is demonstrated that payment of the full amount of the fee would cause extreme hardship. Notice of the filing of the appeal shall be filed with the Director within three (3) days of filing with the Commission. Ohio EPA requests that a copy of the appeal be served upon the Ohio Attorney General's Office, Environmental Enforcement Section. An appeal may be filed with the Environmental Review Appeals Commission at the following address:

Environmental Review Appeals Commission
77 South High St., 17th Floor
Columbus, Ohio 43215

If you have any questions concerning this authorization, please contact Jerry Parker of Ohio EPA, DMWM, NEDO at (330) 963-1186.

Sincerely,



Scott Nally
Director, Ohio EPA

cc: Scott Hester, DMWM-CO (w/ Enclosure)
Jarnal Singh, DMWM-NEDO (w/ Enclosure)
Katharina Snyder, DMWM-NEDO
Frank Migliozi, Trumbull County Health Department (w/ Enclosure)
Joseph Curro, Jr., US Steel
Paul Kuonen, Brownfield Restoration Group