



State of Ohio Environmental Protection Agency

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I certify this to be a true and accurate copy of the  
official record of the State of Ohio of the Ohio  
Environmental Protection Agency

AUG 26 2003

By *James P. Evangelista* 8/26/03

MINERAL DEPOSIT JOURNAL

AUG 26 2003

OHIO E.P.A.

Bedford Land Development Company  
5585 Canal Road  
Valley View, OH 44125

Attn: James P. Evangelista, Esq.  
Senior Vice President and General Council

Re: **Bailey Walker China Co. Site, Cuyahoga County**  
**Ohio Administrative Code (OAC) Rule 3745-27-13 Authorization**

Dear Mr. Evangelista:

On July 7, 2003, Ohio EPA received a document titled *Application for Authorization to Perform Sampling, Stabilization, and Removal of the Cull Pile at the Bailey Walker China Site Under Ohio EPA Rule 13, Section 3745-27-13*, dated July 7, 2003. Revisions to the document dated July 14, 2003, and August 1, 2003, were received on July 15, 2003, and August 1, 2003, respectively. The request was submitted pursuant to Ohio Administrative Code (OAC) Rule 3745-27-13. The documents were submitted by Petro Environmental Technologies (PET) and Pollution Risk Services (PRS) on behalf of Bedford Land Development Company (BLDC). The Bailey Walker China Site is a solid waste disposal facility located at 24400 Solon Road, Cities of Bedford and Bedford Heights, Cuyahoga County. The facility is currently owned by BLDC.

The request specifically propose to characterize, stabilize, excavate, and dispose of waste in designated "Pile A" and "Pile B". Wastes will be excavated in their entirety and disposed of off-site. Other waste and soil piles at the facility are not included in the scope of this authorization. All waste materials will be disposed of off-site in an appropriate disposal facility.

Based upon a review of the document and subsequent revisions submitted to Ohio EPA, I have determined that the proposed activities will not result in a violation of applicable laws or regulations, and will not create a nuisance, and are unlikely to adversely affect the public safety or health or the environment. Therefore, BLDC is hereby authorized to perform the activities outlined in this letter in accordance with the submitted plans, specifications, and information.

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

Bob **Taft**, Governor  
Jennette Bradley, Lieutenant Governor  
Christopher Jones, Director

1. This approval grants authorization to conduct waste pile sampling and waste pile removal at the Bailey Walker China Site, 24400 Solon Road, in the cities of Bedford and Bedford Heights, Cuyahoga County in accordance with the request titled *Application for Authorization to Perform Sampling, Stabilization, and Removal of the Cull Pile at the Bailey Walker China Site Under Ohio EPA Rule 13, Section 3745-27-73*, dated July 7, 2003, and revised through August 1, 2003, only. All activities must be conducted in strict accordance with the plans, specifications, and information submitted as part of this request. There may be no deviation from the approved plans without the express, written approval of Ohio EPA. Any future activities may require additional Ohio EPA approval.
2. Ohio EPA, Northeast District Office (NEDO), Division of Solid and Infectious Waste Management (DSIWM); NEDO, Division of Hazardous Waste Management (DHWM); and the Cuyahoga County Board of Health shall receive written notice not later than seven days prior to commencement of the proposed activities, unless an alternate time is mutually agreed upon by both Ohio EPA and BLDC.
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, surface water run-off, and protection of ground water.
4. All activities undertaken shall not create a nuisance, and shall not adversely affect public safety or health or the environment.
5. Any wastes that are suspected or known to be hazardous and are removed from the limits of waste placement during the proposed activities, shall be stored in accordance with ORC Chapter 3734 until such time as these wastes are properly characterized and treated or disposed. Any liquid wastes released during the proposed activities shall also be stored in accordance with ORC Chapter 3734 until such time as these wastes are properly characterized and treated or disposed.
6. All liquids, semi-solids, industrial wastes, and other wastes regulated under ORC Chapter 6111 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 regulations promulgated thereunder.
7. Prior to stabilizing any waste or contaminated soils under this authorization, BLDC shall conduct the pilot study described in Appendix 9 of the document referenced in Condition Number 1, above. BLDC shall provide Ohio EPA with sampling results and the pilot study methodology and obtain Ohio EPA's written concurrence prior to stabilizing any additional waste or contaminated soils.

8. Prior to removal of any waste or contaminated soil from the property, BLDC shall submit a copy of a letter of acceptance from the disposal facility to Ohio EPA; DSIWM, NEDO; Ohio EPA, DHWM, NEDO; and the Cuyahoga County Board of Health pursuant to OAC Rule **3745-27-13(H)(4)**.
9. Within 60 days of the completion of any sampling activities, BLDC must submit the results to Ohio EPA, DSIWM, NEDO.
10. BLDC shall take measures to minimize the possible increase in subsurface infiltration due to disturbance of the waste piles and other authorized activities.
11. BLDC shall take measures to control fugitive dust and other air emissions due to disturbance of the waste piles and other authorized activities.
12. The request includes detail engineering plans related to the sampling and characterization of waste piles and removal of those waste piles. This approval only grants authorization for BLDC to disturb the existing waste piles identified as waste "Pile A" and "Pile B" for the purpose of sampling, stabilization, and removal at the Bailey Walker China Site. This authorization does not constitute approval of the detail engineering plans for any other purpose, including the following:
  - a. This authorization shall not be construed as an approval of the July 14, 2003, request for compliance with Ohio EPA's Voluntary Action Program.
  - b. This authorization shall not be construed as approval of the July 14, 2003, request for compliance with Ohio EPA's Integrated Alternative Waste Management Program.
  - c. This authorization does not indicate or imply approval of any health and safety plans contained in the July 14, 2003, request. BLDC and its contractors shall remain solely responsible for compliance with all applicable health and safety laws and regulations.
13. Not later than 60 days following completion of waste removal activities of waste "Pile A" and "Pile B", a written certification report shall be submitted to Ohio EPA, DSIWM, NEDO documenting all areas where waste has been removed. The report shall include, at a minimum, the items specified in the submitted plans and as modified by the following:
  - a. Location of all former waste disposal areas specified on a 7% Minute USGS Quadrangle Map.

- b. Record drawings showing:
  - i. Vertical and horizontal limits of waste prior to removal.
  - ii. Vertical and horizontal limits of excavation prior to site restoration and all areas disturbed adjacent to this area.
  - iii. Surface water management systems, if applicable.
- c. Documentation of establishment of survey marks, including but not limited to:
  - i. Identification and description of known control points used to establish the horizontal and vertical coordinates of survey marks for removal activities and site restoration.
  - ii. Horizontal and vertical coordinates of the known control points and facility survey marks.
  - iii. Summary of surveying activities performed in determining the coordinates of the facility survey marks.
  - iv. Copy of 7 1/2 Minute USGS Quadrangle Maps used in establishing the survey marks with known control points and the location of the facility survey marks clearly identified.
  - v. Detailed drawings illustrating the design of the facility survey marks, as constructed.
- d. Documentation of removal of all solid waste by photographs; test pit records, and soil boring records. Documentation shall be maintained by the certifying QA/QC engineer:
  - i. Detailed drawings illustrating the vertical and horizontal coordinates of all test pits, soil borings, and photograph locations.
  - ii. Locations for documenting the confirmation of waste removal through test pits and soil borings shall be determined by the certifying QA/QC engineer based on field conditions. Minimum frequency of test pits or sample borings shall be five locations per acre of waste removed to a minimum depth of 20 feet below lowest excavated depth or to a

depth where bedrock or five feet of undisturbed native soil is encountered, whichever occurs first.

- iii. Soil boring and test pit locations shall be clearly shown on a site map included in the certification report.
- e. A detailed narrative description to accompany the drawings. If this information is contained within a previously approved document (i.e. OAC Rule 3745-27-13 Authorization), the narrative may refer to the previously submitted document. If not, then the narrative must include, at a minimum, the following:
- i. Manner by which removal was accomplished, including the manner used to verify that removal of all wastes has taken place. This may include, but is not limited to, soil borings, test pits, and confirmation sampling of underlying soils
  - ii. Manner by which waste removal was accomplished in compliance with all applicable state and federal laws and regulations pertaining to environmental protection, including but not limited to control of air emissions, control of leachate, control of surface water run-on and run-off, and protection of ground water.
  - iii. Procedures followed for solid waste, hazardous waste, other regulated materials, and potentially contaminated soils removed from the facility.
  - iv. Analytical results of representative sampling of waste and potentially contaminated soils, including sample analysis, a description of disposal methods, including all manifests and letters of acceptance from a disposal facility.
  - v. Description of site restoration, which may include, but is not limited to, the establishment of positive grades, seeding, maintenance of the restoration area until vegetation is established, and maintenance of the surface water management system.
14. Pursuant to OAC Rule 3745-27-13(M)(1), this authorization shall terminate three years after its effective date if BLDC has not begun the activities described herein.
15. Nothing in this authorization shall be construed to authorize any waiver from any requirements of applicable state solid waste laws or regulations. This authorization

shall not be interpreted to release BLDC or others from responsibility under ORC Chapters 3704, 3714, 3734, or 6111; under the Federal Clean Water Act, the Resource Conservation and Recovery Act, the Toxic Substances Control Act, or the Comprehensive Environmental Response, Compensation, and Liability Act; or from other applicable requirements for remedying conditions resulting from any release of contaminants from the facility to the environment.

### END OF CONDITIONS

You are hereby notified that this action of the Director of Environmental Protection is final and may be appealed to the Environmental Review Appeals Commission pursuant to ORC Section 3745.04. The appeal must be made in writing and set forth the action complained of and the grounds upon which the appeal is based. It must be filed with the commission within 30 days after issuance of the director's action. A copy of the appeal must be served on the director within three days of filing with the commission. An appeal may be filed with the commission at the following address:

Environmental Review Appeals Commission  
236 East Town Street  
Room 300  
Columbus, Ohio 43215

If you have any questions concerning this authorization, please contact John Schmidt of Ohio EPA's Northeast District Office at (330) 963-1175.

Sincerely,



Christopher Jones  
Director

cc: Kurt Princic, DHWM, NEDO  
Lynn Sowers, DSIWM, NEDO  
Scott Hester, DSIWM, CO  
Vincent Carraffi, Cuyahoga County Board of Health  
Richard Bethel, Pollution Risk Services, Inc.  
Dave Williams, Petro Environmental Technologies  
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