



State of Ohio Environmental Protection Agency

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November 30, 2009

Mr. Joseph Fredle
25089 Center Ridge Road
Westlake, OH 44145

**Re: Director's Final Findings & Orders
New Boston Coke Site**

Dear Sir or Madam:

Transmitted herewith are Final Findings & Orders of the Director concerning the matter indicated.

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 Section 3745.04 of the Ohio Revised Code. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. It must be filed with the Appeals Commission within thirty (30) days after notice of the Director's action. The appeal must be accompanied by a filing fee of \$70.00 which the Commission, in its discretion, may reduce if by affidavit you demonstrate 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 at the following address:

Environmental Review Appeals Commission
309 South Fourth Street, Room 222
Columbus, Ohio 43215

Sincerely,

Kimberly Reese
Systems Management Unit
Division of Solid & Infectious Waste Management

Enclosure: Director's Final Findings and Orders

cc: Ernie Stall, CO, DSIWM
Clint Shuff, SEDO, DSIWM
Chris Osborne, SEDO, DERR

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

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: Dmy Cassidee Date: 11-30-09

OHIO E.P.A.

NOV 30 2009

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

ENTERED DIRECTOR'S JOURNAL

In the Matter of:

New Boston Coke Site	:	<u>Director's Final</u>
New Boston, Ohio, Scioto County	:	<u>Findings and Orders</u>
Fee Exemption	:	

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("ORC") Sections 3734.57(D)(8).

II. 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.

III. FINDINGS

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

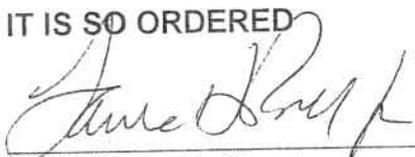
1. The United States Environmental Protection Agency ("USEPA") is conducting a time-critical removal action at the New Boston Coke site in New Boston, Ohio, Scioto County. The site was used as a coke plant, originally for a steel mill that ceased operating in 1980 and since as an independent coke merchant. The structures at the site have been largely demolished, but some demolition and solid wastes remain on-site. Seven large storage tanks and a tank bottom also remain. All contain coal tar. The tanks are deteriorating, and there has been a release of coal tar from at least one tank. This cleanup project will generate debris that will be separated from the treatment process and which USEPA will manage as solid waste, as that term is defined in Ohio Administrative Code ("OAC") Rule 3745-27-01(S)(24).
2. The cleanup project will generate approximately 1,200 tons of solid waste. This material will be disposed of at the Pike Sanitation Landfill located at 11775 State Rte 220 E, Waverly, Ohio in Pike County.

3. Pursuant to ORC Section 3734.57(A), state disposal fees are to be levied on the disposal of solid waste at solid waste facilities. These solid waste disposal fees are to be collected and remitted to the state of Ohio on each ton of solid waste disposed at solid waste disposal facilities.
4. The solid waste that will be generated and disposed as a result of this project is subject to a \$4.75 per ton state disposal fee pursuant to ORC Section 3734.57(A).
5. Pursuant to ORC Sections 3734.57(D)(8), the Director may issue an order exempting from the fees levied under ORC Section 3734.57 solid wastes, including, but not limited to, scrap tires, that are generated, transferred, or disposed of as a result of a contract providing for the expenditure of public funds entered into by the administrator or regional administrator of the USEPA, the Director, or the director of administrative services on behalf of the Director for the purpose of remediating conditions at a hazardous waste facility, solid waste facility, or other location at which the administrator or regional administrator or the Director has reason to believe that there is a substantial threat to public health or safety or the environment or that the conditions are causing or contributing to air or water pollution or soil contamination.
6. USEPA is performing the cleanup project with public funds.
7. USEPA is performing this cleanup project to address conditions that are causing or contributing to air or water pollution or soil contamination or that present a substantial threat to public health or safety or the environment.

IV. ORDERS

1. Pursuant to ORC Section 3734.57(D)(8), the solid waste generated and disposed as a result of USEPA's remediation of the New Boston Coke site is hereby exempted from the \$4.75 per ton state solid waste disposal fee levied pursuant to ORC Section 3734.57(A). This exemption shall not apply to any solid wastes other than the solid waste described in Finding Numbers 1 and 2, above.

IT IS SO ORDERED



Chris Korleski, Director
Ohio Environmental Protection Agency