



State of Ohio Environmental Protection Agency

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James P. Evangelista, Esq.  
Senior Vice President and General Counsel  
Bedford Land Development Company  
5585 Canal Road  
Valley View, OH 44125

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

Dear Mr. Evangelista:

On May 2, 2002, the Ohio Environmental Protection Agency (Ohio EPA) received a document titled *Application for Authorization to Perform Cull Pile Sampling and Removal at the Bailey Walker China Site under Ohio EPA Rule 13, April 2002*, to perform certain activities in accordance with Ohio Administrative Code (OAC) Rule 3745-27-13 at the Bailey Walker China Co. site. There have been several revisions to the document, the latest dated March 24, 2003, which was received March 25, 2003. The documents were submitted by Pollution Risk Services (PRS) on behalf of Bedford Land Development Company (BLDC). The Bailey Walker China Site is an unlicensed, unpermitted industrial solid waste disposal facility located at 24400 Solon Road, in the cities of Bedford and Bedford Heights, Cuyahoga County. Bailey Walker China Co. commenced operations at the site in 1923, and the site was owned and operated by a variety of china manufacturers until 1981. The facility owner/operator was notified by the Cuyahoga County Board of Health in 1979 to apply for a solid waste license and to submit an operating report for its on-site waste disposal area. Operations apparently ceased on March 31, 1981, without the owner/operator either obtaining a solid waste facility license or submitting an operating report. There have been a number of property owners since 1981; however, the site has been owned by the Bedford Land Development Company (BDLC) since May 1994.

The request specifically proposes to sample two waste disposal units, Piles A and B, to ascertain if the material is characteristically hazardous pursuant to OAC Chapter 3745-52. No waste is proposed to be removed from the site at this time. This authorization is limited to sampling only.

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.

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

This approval is subject to the following conditions:

### **CONDITIONS**

1. This approval grants authorization to conduct waste pile sampling at the Bailey Walker China Site, 24400 Solon Road, Cities of Bedford and Bedford Heights, Cuyahoga County in accordance with the request titled *Application for Authorization to Perform Cull Pile Sampling and Removal at the Bailey Walker China Site under Ohio EPA Rule 13* dated March 25, 2003, only. All activities must be conducted in strict accordance with the plans, specifications, and information submitted as part of this request. There shall 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 72 hours prior to commencement of the proposed activities.
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 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. All solid and/or hazardous wastes removed during authorized activities shall remain within the waste footprint and shall be either reconsolidated into the waste footprint or securely stored until these materials are properly characterized and disposed in accordance with Chapter 3734 of the Ohio Revised Code (ORC) and regulations promulgated thereunder.
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 removal from the property of any wastes specified in Conditions No. 5 or 6, any wastes derived from the sampling process, or any contaminated soil, BLDC shall:
  - a. Sample and characterize the material; and

- b. Within 60 days of the completion of all proposed sampling activities, submit analytical results to Ohio EPA, NEDO DSIWM and DHWM; and
  - c. Submit a copy of a letter of acceptance from the disposal facility to the Director of Environmental Protection, pursuant to OAC Rule 3745-27-13(C)(10); and
  - d. Obtain written concurrence on the waste characterization and proposed disposal from Ohio EPA.
8. BLDC shall take measures to minimize the possible increase in subsurface infiltration due to disturbance of the waste piles and other authorized activities.
9. BDLC shall take measures to control fugitive dust and other air emissions due to disturbance of the waste piles and other authorized activities.
10. This authorization request includes detailed engineering plans related to the sampling and characterization of waste piles. This approval only grants authorization for BLDC to disturb the existing waste piles for the purpose of sampling at the Bailey Walker China Site. This authorization does not constitute approval of the detailed engineering plans for any other purpose.
  - a. This authorization shall not be construed as an approval of the March 25, 2003, request for compliance with Ohio EPA's Voluntary Action Program.
  - b. This authorization shall not be construed as approval of the March 25, 2003, request for compliance with Ohio EPA's Integrated Alternative Waste Management Program.
  - c. Ohio EPA neither approves nor disapproves of site health and safety plans, and this authorization does not indicate or imply approval of any health and safety plans contained in the March 25, 2003, request. BLDC and its contractors shall remain solely responsible for compliance with all applicable health and safety laws and regulations.
11. Pursuant to OAC Rule 3745-27-13(H), this authorization shall terminate 18 months after its effective date unless:
  - a. BLDC begins the activities outlined in this authorization; or
  - b. BLDC has entered into a binding contractual obligation to undertake and complete the activities outlined in this authorization within 24 months of its effective date.

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12. Nothing in this letter 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 (Commission) pursuant to ORC 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. It must be filed with the Commission within thirty (30) days after notice of the director's action. A copy of the appeal must be served on the Director within three (3) 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, NEDO at (330) 963-1175.

Sincerely,

Christopher Jones  
Director

CJ/JMS/cl

cc: Lynn Sowers, DSIWM-NEDO  
Scott Hester, DSIWM-CO  
Vincent Carraffi, Cuyahoga County Board of Health  
Richard Bethel, Pollution Risk Services, Inc.