



State of Ohio Environmental Protection Agency

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Columbus, Ohio 43216-1049

Lawrence Drane, III, P.G.
Civil and Environmental Consultants, Inc.
333 Baldwin Road
Pittsburgh, PA 15205

**Re: Former Royal China Disposal Site, Mahoning County
Ohio Administrative Code (OAC) Rule 3745-27-13 Authorization**

Dear Mr. Drane:

On March 9, 2006, the Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM), Northeast District Office (NEDO) received a request titled *Application for Authorization to Perform Sampling and Analysis at the Former Royal China Site, March 9, 2006*, pursuant to Ohio Administrative Code (OAC) Rule 3745-27-13, to engage in filling, grading, excavating, building, drilling, or mining activities at the former Royal China Company Disposal Site (Facility) located in the Village of Sebring, Mahoning County. Revisions to the document dated March 24, 2006, and April 5, 2006, were received on March 24, 2006, and April 6, 2006, respectively. The documents were submitted by Civil and Environmental Consultants, Inc. (CEC) on behalf of the Village of Sebring (Sebring).

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. Specifically, CEC proposes to conduct an investigation at the Facility to ascertain the quality of ground water and leachate within the waste mass and characterize the waste. CEC proposes to conduct this investigation of the Facility under a brownfield reassessment grant from U.S. EPA and is participating in Ohio EPA's Voluntary Action Program (VAP). CEC proposes to investigate to a depth of 25 feet through borings, using auger-drilling techniques, or test pits. In areas to be sampled, the waste depths are estimated to be 20 to 30 feet. A series of ground water wells will be installed to a depth of approximately 25 feet.

Based upon a review of the request and subsequent revisions, I have determined, pursuant to OAC Rule 3745-27-13, that the proposed activities will not result in a violation of applicable laws or regulations, will not create a nuisance, and are unlikely to adversely affect public safety or health or the environment. Therefore, CEC and Sebring are 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, CEC and Sebring are subject to the following conditions:

Bob Taft, Governor
Jennette Bradley, Lieutenant Governor
Joseph P. Koncelik, Director

Conditions

1. This approval grants authorization to conduct waste investigation activities at the Facility, located at 55-85 South Fifteenth Street, Village of Sebring, Mahoning County in accordance with the request titled *Application for Authorization to Perform Sampling and Analysis at the Former Royal China Site, March 9, 2006*, revised through April 5, 2006, 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 prior written approval from Ohio EPA. Any future activities may require additional Ohio EPA approval.
2. Ohio EPA, NEDO, DSIWM and the Mahoning 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 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 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 regulations promulgated thereunder.
8. Prior to any removal of waste or contaminated soil from the property, CEC and Sebring shall submit copies of sample analysis results, the treatment or disposal method selected, and a copy of a letter of acceptance from the treatment or disposal facility to Ohio EPA, NEDO pursuant to OAC Rule 3745-27-13(H)(4).
9. Not later than 60 days after completing the activities authorized through this approval, CEC and Sebring shall submit to Ohio EPA a certification report in accordance with

OAC Rule 3745-27-13(H)(10).

10. CEC and Sebring shall take measures to minimize the potential for increased subsurface infiltration of surface water due to disturbance of the Facility and other authorized activities.
11. CEC and Sebring shall take measures to control fugitive dust and other air emissions due to disturbance of the Facility and other authorized activities.
12. In accordance with OAC Rule 3745-27-13(M), this authorization shall terminate three years after its effective date if CEC and Sebring have not begun the activities authorized herein.
13. The director may revoke this authorization if CEC or Sebring violates, or is likely to violate, any applicable law or if the continued implementation of the approved plans causes a threat to human health or safety or the environment.
14. Nothing in this letter shall be construed to authorize any waiver from any requirements of any applicable federal or state laws or regulations. This authorization shall not be interpreted to release CEC, Sebring 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 to the environment.

End of Conditions

You are hereby notified that this action of the Director 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 30 days after notice of the Director's action. A copy of the appeal must be served on the director within three days after filing with the Commission. An appeal may be filed with the Commission at the following address:

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Civil and Environmental Consultants, Inc.
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Environmental Review Appeals Commission
309 South Fourth Street
Room 222
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,

Joseph P. Koncelik
Director

cc: Scott Hester, DSIWM-CO
Lynn Sowers, DSIWM-NEDO
Mary Helen Smith, Mahoning County Board of Health
Doug Burchard, Village of Sebring
Jerry McHugh, Royal Sebring Properties, Inc.
Jeff Hullinger, CEC, Inc.