



Lake Township

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May 2, 2002

The Board of Lake Township Trustees Comments on the Proposed Amendments to the March 2000 Record of Decision (ROD)

- The Board of Lake Township Trustees (an elected three-person board which represents the 25,000 +/- citizens of Lake Township where the Industrial Excess Landfill (IEL) is located in Uniontown, Ohio) has the following comments and concerns related to the proposed (April 2002) Amended ROD for the IEL.
- The Township was approached by the Responsible Parties (RPs) in the summer of 2000 and asked to delineate any lingering concerns the Township had regarding the ultimate closure of the IEL. They asked what steps would be necessary to address these concerns. At that same time the RPs asked if the Township would be amendable to a replacement of the clay cap with a vegetative cap.
- The Township indicated it would provide contingent support for the proposed amendment to the ROD if certain conditions would be met by the RPs. The conditions were the following:
 - ◆ Groundwater monitoring for the next 30 years (quarterly for the first 4 years) to be performed on a pre-established and set schedule; (four year testing currently in progress);
 - ◆ A contingency plan agreed to by the Township and the RPs, among others, to be implemented in the event that groundwater monitoring indicated that the natural attenuation was not occurring and action was needed to protect human health and the environment;
 - ◆ Removal of underground storage tanks and unsightly buildings along Cleveland Avenue (completed);
 - ◆ Study of on-site gases, evaluation of the current gas extraction system and upgrading or modifying it as warranted;
 - ◆ Horizontal and vertical evaluation of the benzene in the groundwater beneath the central portion of the site. Remediation of benzene in groundwater, as warranted. (two new wells at the site are currently being installed for this evaluation);
 - ◆ Installation of additional monitoring wells up and downgradient of the site in order to obtain a more accurate flow determination in the immediate vicinity of the site;
 - ◆ Repair, replace, or properly abandon damaged or dry monitoring wells.

TRUSTEES: Sue Ruley, Don Myers, Ellis Erb ◆ CLERK/TREASURER: Jane Feller ◆ ADMINISTRATOR Carolyn Casey
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- If there is a legally binding commitment from the RPs to provide or perform these tasks and/or contingency requirements and a necessary risk assessment of the site so as to determine whether human access to the site can be allowed, either agreed to by the RPs or ordered by US EPA to be performed by the RPs at their cost, the Township is in support of the Proposed Amendment to the ROD. Some of these issues and concerns have been addressed or are starting to be addressed. However, many of them have not yet been addressed. The Township has been assured that its concerns in this regard would be reduced to a written, binding, and legally enforceable document. If this is secured the Township is in favor of the proposed Amended Rod.
- The Township was awarded a \$100,000 redevelopment grant by USEPA in the year 2000 so that Lake Township Citizens would have input into what potential future uses might be in store for the IEL. Subsequently, a Community Advisory Group (CAG) was formed comprised of citizens living in close proximity to the IEL who began holding regular monthly meetings shortly thereafter. Under EPA guidance, the group has informed themselves on alternative (enhanced vegetative cover/phytocap) closure possibilities for the IEL and they are currently in the process of establishing a website to communicate with the community regarding the TEL. Grant proceeds will also be used to hire a landscape architect to provide recommendations on reuse. Early on in CAG meetings, the RPs came to the CAG and requested the opportunity to make a presentation to the CAG on the proposed phyto remediation cap and future uses of the site. In part, that presentation made its way (through video distribution and community access television) to the entire Lake Township community in February of 2001. The video featured a presentation by the Wildlife Habitat Council and a question and answer period followed.

The Township's response to the RP's proposal was that it was interested in the possibility of a phyto cap/enhanced vegetative cover, and the construction of a wildlife habitat provided certain conditions were met. In addition, the Township liked the idea of a phyto cap because it would allow for the performance of additional groundwater testing which was sorely needed in the opinion of the Township.

With the release of the video presentation and the award of a grant for redevelopment, it was assumed by most that at some point in time access to the site would be possible, even if it would be limited access. Plans were put in motion by the CAG to work toward that eventuality.


It appears to the Township that in order to provide any such access, carefully tailored deed restrictions need to be written which have the ability to be modified over time to allow such access, if such access is warranted.

- The Township also believes that any fencing plans similarly need to be designed to be flexible enough so that changes in configuration can be effected as warranted to allow greater access to and use of the TEL, if conditions warrant.
- However, should it prove to be a situation where either the site ea not be accessed due to an inability to accurately assess risks to human life, health and the environment from the site as described later herein, or should there be an inability or a failure to be able to mandate that

the risk assessment be carried out, or if the deed restrictions and/or the fencing plan cannot be sufficiently flexible to allow access to the site by the community at some point in the future, the appropriate remedy presented by the RPs and now proposed by the USEPA would be premised upon a supposition held out to the community which will not come to pass.

- Despite the Foregoing, the Township is pleased that the Focused Feasibility Study (FFS) prepared by US EPA in March of 2002 specifically provides for a risk analysis to be performed which is “associated with the projected land use for the site: a nature preserve with possible public access and recreational use”, p 29. See also p 12: “A risk assessment is necessary to evaluate what risks, if any, surface conditions at the landfill might pose to visitors”.
- To establish that natural attenuation is occurring, The Township believes continued monitoring of the groundwater and scientific analysis of the results will be necessary. If warranted, the township also believes that the benzene will need to be remediated by some means other than phyto-remediation and natural attenuation, such as air sparging with oxygen.
- Based upon the FFS, the present cost of the proposed remedy is approximately \$7 million, half of which is to be devoted to operations and maintenance. So long as portions of these sums will be devoted to and used for testing the groundwater and gasses and for conducting the risk assessment which the FFS found to be necessary and at least contingency planning, the Township is in support of the proposed amendment to the ROD.
- Under Alternative 3, Enhancing Existing Cover, there is written the word “contingencies.” What does this mean and how was a price factored in? Why is this not a part of the other two alternatives that were evaluated? What will be the criteria in determining when contingencies need to be implemented? Will this include a binding contingency plan, and if so, what is it?
- What involvement, if any, and at what point, will the CAG have when the RPs and U.S. EPA design and construct the wildlife habitat? Are the RPs still planning on having the Wildlife Habitat Council design and build the nature preserve (as promised to the Township in the video)? Have these plans changed? Will the CAG/community have input into this?
- What will be the determination on how clean is clean in reference to the site, soil, groundwater and air, and the natural cleanup process that is proposed? To what standard and land use will the site be cleaned up to? How will this be determined?

THE BOARD OF LAKE TOWNSHIP TRUSTEES


Sue Ruley, President


Ellis Erb, Vice President

Don Myers, Member