



Mike DeWine, Governor
Jon Husted, Lt. Governor
Laurie A. Stevenson, Director

July 27, 2021

Youngstown State University
One University Plaza
Youngstown, Ohio 44555

**Re: YSU Clandestine Grave Simulation Research Site
Director's Authorization
Approval
Municipal Solid Waste Landfills
Columbiana County
MSWL023858**

Jeffrey C. Dick
41300 Miller Road
Leetonia, Ohio 44431

Subject: Final Findings and Orders of the Director

Dear Sir or Madam:

Transmitted herewith are the Final Findings and Orders of the Director concerning the matter regarding **YSU Clandestine Grave Simulation Research Site**.

If you have any questions, please contact Teri Finfrock at (614) 644-3037.

Jeri Main

Jeri Main
Administrative Professional Unit
Division of Materials & Waste Management

Enclosure

ec: Cassandra Schramm, DMWM, CO
Jeremy Carroll, DMWM, CO
Lynn Sowers/Bill Lutz, DMWM, NEDO
Terri Finfrock, Legal, CO
Robin Nichols, Legal, CO

**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

In the Matter Of:

Youngstown State University
One University Plaza
Youngstown, Ohio 44555

Director's Final Findings
and Orders

Jeffrey C. Dick
41300 Miller Road
Leetonia, Ohio 44431

Respondents

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to Youngstown State University ("YSU") and Jeffrey C. Dick (collectively, "Respondents") pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("ORC") §§ 3734.02, 3734.13, and 3745.01.

II. PARTIES BOUND

These Orders shall apply to and be binding upon Respondents and heirs and successors in interest liable under Ohio law. No change in ownership of Respondent YSU or of the Property shall in any way alter Respondents' obligations under these Orders.

III. 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.

IV. FINDINGS

The Director of Ohio EPA has determined the following findings:

1. YSU is a public university with a business address of One University Plaza, Youngstown, Ohio 44555.
2. YSU is a person as that term is defined in ORC § 3734.01(G) and Ohio Administrative Code ("OAC") Rule 3745-27-01(P)(3).
3. Jeffrey C. Dick is a Professor of Applied Geology at YSU, in the Department of Physics, Astronomy, Geology & Environmental Science.
4. Jeffrey C. Dick is the owner of the property at which the project described in Findings 6 through 13 will occur. The property is located at 41300 Miller Road, Leetonia, Ohio, Columbiana County and is described by the Columbiana County Auditor as parcel number 16-01735.003 (the "Property"). The Property is approximately 19.485 acres in size.
5. Jeffrey C. Dick is a person as that term is defined in ORC § 3734.01(G) and OAC Rule 3745-27-01(P)(3).
6. On March 26, 2021, Respondents submitted a letter to Ohio EPA proposing a clandestine grave simulation research project to improve the understanding of decomposition of human remains in clandestine graves using pig carcasses as human proxies. The anticipated outcome of the study is to provide assistance to law enforcement agencies in the recovery of homicide victims buried in clandestine grave sites.
7. Respondents indicated that the project will only occur on approximately five acres of the Property. Figure 1 of the synopsis included in the March 26, 2021 letter shows the proposed location.
8. Respondents indicated that between twelve and fifteen simulated graves are proposed for the study to represent a wide range of real-world scenarios. A total of three sets of four to five graves will be installed at a depth of approximately five feet below the surface with approximately three feet of soil cover between the top of the pig carcasses and the surface.
9. Respondents indicated that each set of graves would consist of one grave supplied with a clothed pig, one grave supplied with a clothed pig wrapped in carpeting, one grave supplied with a clothed pig covered in lime, and one empty control grave. A potential fifth grave consisting of an unclothed pig may also be added.

10. Respondents indicated that set one will be placed on high ground located ten to fifteen feet above the pond elevation (1,213 feet) and approximately 1,000 feet from the pond and wetland. Set two will be placed on lower ground approximately five to 10 feet above the pond elevation and near the capillary fringe zone and approximately 200 feet from the pond and wetland. Set three will be placed on the lowest ground located three to five feet above the pond elevation, within the capillary fringe zone and approximately 200 feet from the pond and wetland. Both the pond and wetland are located on the Property.
11. Respondents indicated that soil samples will be collected from each grave site during the excavation process for physical and chemical property analysis. Each grave will be equipped with a non-conducting two-inch diameter polyvinyl chloride piping (PVC) well for the purpose of sampling gas emissions during the decay process.
12. Respondents indicated that the pigs will be supplied by Tomeo Farms Quality Meats, a state licensed meat producer located in Mercer, Pennsylvania. The pigs are raised for the purpose of meat consumption and are not being raised specifically for this research. Deceased whole pigs will be picked up in groups of three or four and will be brought to their prepared burial sites immediately upon arrival.
13. Respondents indicated that the proposed research is expected to start in summer of 2021 and continue through the fall of 2027. Geophysical surveys and soil vapor sampling will be conducted four times per year (during each season). Upon completion of the research, the PVC monitoring wells will be extracted and lawfully disposed. The graves will remain undisturbed.
14. Jeffrey C. Dick notified Ohio EPA via e-mail on May 7, 2021 at 1:15 P.M. that he will record a deed notification for the Property, noting the placements and depth of the pig carcasses, clothing, and carpeting.
15. Pursuant to ORC § 3734.01, solid waste generally includes "such unwanted residual solid or semisolid material as results from industrial, commercial, agricultural, and community operations . . . and includes, but is not limited to, garbage, scrap tires, combustible and noncombustible material, street dirt, and debris."
16. ORC § 3734.01(F) provides that solid waste disposal is "the discharge, deposit, injection, dumping, spilling, leaking, emitting, or placing of any solid wastes . . . into or on any land or ground . . . except if the disposition or placement constitutes storage[.]"
17. Under ORC Chapter 3734, unless an exemption is issued by the Director, solid waste may only be lawfully disposed at a licensed and permitted solid waste

disposal facility.

18. ORC § 3734.02(G) generally provides that the Director may, by order, issue an exemption to a person engaging in solid waste disposal activities as long as that exemption is unlikely to adversely affect public health or safety or the environment.
19. Respondents have requested that the Director issue an exemption allowing up to twelve pig carcasses, nine sets of clothing, and three pieces of carpet to be buried on the Property.
20. In light of the limit on the amount of solid waste to be buried (up to twelve pig carcasses, up to nine sets of clothing and three pieces of carpeting), the fact that the carcass locations are identified in Figure 1, the fact that a deed notification will be placed on the Property noting the placement of the solid waste, and the limited timeframe for which an exemption is sought, the Director finds that issuing an exemption from the obligation to obtain a permit and license in accordance with ORC Chapter 3734 and the rules promulgated thereunder for up to twelve pig carcasses, nine sets of clothing, and three pieces of carpeting as described in Findings 9 and 10 is unlikely to adversely affect public health, safety, or the environment so long as Respondents comply with these Orders.

V. ORDERS

The Director hereby orders the following:

1. Beginning on the effective date of these Orders, Respondents are hereby exempted from the obligations to obtain a license and a permit under ORC Chapter 3734 and the rules promulgated thereunder to the extent those obligations would be triggered by burying up to twelve pig carcasses, nine sets of clothing, and three pieces of carpeting as described in the clandestine grave research synopsis provided to Ohio EPA in the letter dated March 26, 2021 and in Findings 6 through 13, provided Respondents comply with all of the following:
 - a. Respondents shall ensure that no more than twelve pig carcasses, nine sets of clothing, and three pieces of carpeting are buried on the Property.
 - b. Respondent Dick shall record a deed notification for the Property with the Columbiana County Recorder's Office, noting the location and depth of the pig carcasses, sets of clothing, and pieces of carpet buried on site as part of the project. Upon recording the deed notification, Respondent Dick shall provide written notice and a copy of the deed notification to the Ohio EPA Northeast District Office, Division of Materials and Waste Management. Respondent Dick shall file the deed notification with the Columbiana County Recorder's Office not later than December 31, 2021.

- c. Respondents shall ensure that the pig carcasses, clothing, and carpeting are buried at a minimum distance of at least two hundred feet from any water body including rivers, lakes, ponds, and wetlands.
- d. Upon completion of the project Respondents shall remove all PVC piping and dispose of the piping in accordance with all applicable regulations, including OAC Chapter 3745-27 and ORC Chapter 3734.

VI. TERMINATION

Respondents may seek termination of these Orders at any time, provided Respondents are in compliance with these Orders, by sending a written request to Ohio EPA that is signed by a responsible official of YSU and by Jeffrey C. Dick. If Ohio EPA does not agree that all obligations have been performed, then Ohio EPA will notify Respondents of the obligations that have not been performed, in which case Respondents shall have an opportunity to address any such deficiencies and seek termination as described above.

For purposes of this Order, a responsible official of YSU is the dean of the College of Science, Technology, Engineering, and Mathematics. Respondents' obligations under these Orders shall terminate when the Chief of Ohio EPA's Division of Materials and Waste Management acknowledges, in writing, the termination of these Orders.

VII. OTHER CLAIMS

Nothing in these Orders shall constitute or be construed as a release from any claim, cause of action or demand in law or equity against any person, firm, partnership, or corporation, not a party to these Orders, for any liability arising from, or related to, the Property.

VIII. OTHER APPLICABLE LAWS

All actions required to be taken pursuant to these Orders shall be undertaken in accordance with the requirements of all applicable local, state, and federal laws and regulations. Except as specifically provided in Order No. 1, these Orders do not waive or compromise the applicability and enforcement of any other statutes or regulations applicable to Respondents.

IX. MODIFICATIONS

These Orders may be modified by agreement of the parties hereto. Modifications shall be in writing and shall be effective on the date entered in the journal of the Director of Ohio EPA.

X. NOTICE

All documents required to be submitted by Respondents pursuant to these Orders shall be addressed to:

Ohio Environmental Protection Agency
Northeast District Office
Division of Materials and Waste Management
2110 E. Aurora Road
Twinsburg, Ohio 44087-1924

or

https://fileshare.epa.ohio.gov/filedrop/nedo_dmwm_submittals

or to such persons and addresses as may hereafter be otherwise specified in writing by Ohio EPA.

XI. RESERVATION OF RIGHTS

Ohio EPA, YSU, and Jeffrey C. Dick each reserve all rights, privileges, and causes of action, except as specifically waived in Section XII. of these Orders. Ohio EPA specifically reserves the right to revoke these Orders for noncompliance with any provision herein.

XII. WAIVER

Respondents hereby waive the right to appeal the issuance, terms and conditions, and service of these Orders, and Respondents hereby waive any and all rights Respondents may have to seek administrative or judicial review of these Orders either in law or equity.

Notwithstanding the preceding, Ohio EPA and Respondents agree that if these Orders are appealed by any other party to the Environmental Review Appeals Commission, or any court, Respondents retain the right to intervene and participate in

such appeal. In such an event, Respondents shall continue to comply with these Orders notwithstanding such appeal and intervention unless these Orders are stayed, vacated, or modified.

XIII. EFFECTIVE DATE

The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

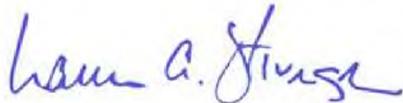
XIV. SIGNATORY AUTHORITY

Each undersigned representative of a party to these Orders certifies that he or she is fully authorized to enter into these Orders and to legally bind such party to these Orders.

The parties acknowledge and agree that this agreement may be executed by electronic signature, which shall be considered as an original signature for all purposes and shall have the same force and effect as an original signature. Without limitation, "electronic signature" shall include faxed versions of an original signature or electronically scanned and transmitted versions (e.g., via pdf) of an original signature.

IT IS SO ORDERED AND AGREED:

Ohio Environmental Protection Agency



Laurie A. Stevenson
Director

7/27/2021

Date

IT IS SO AGREED:

Youngstown State University

Severine Van slambrouck,
Director of Research Services

Digitally signed by Severine Van
slambrouck, Director of Research
Services
Date: 2021.07.16 15:57:05 -04'00'

Signature

7/16/2021

Date

Severine Van slambrouck
Printed or Typed Name

Director of Research Services

Title

IT IS SO AGREED:

Jeffrey C. Dick

Jeffrey C. Dick

Signature

July 14, 2021

Date

Jeffrey C. Dick

Printed or Typed Name

Professor of Geology and Land Owner

Title