



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

August 9, 2021

Mr. Peter Vander Velde
EMC Metals, Inc.
6250 N. River Road Suite 5000
Rosemont, IL 60018

Mr. Clay Long
EMC Metals, Inc.
318 East Liberty Street
Schuylkill Haven, PA 17972

**Re: EMC Ashtabula LP
Director's Authorization
Approval
Industrial Solid Waste Landfills
Ashtabula County
ISWL018847**

**Subject: EMC Metals Company, Ashtabula County
Ohio Administrative Code (OAC) Rule 3745-27-10(D)(7)(c)
(1994 Version) Approval**

Dear Messrs. Vander Velde and Long:

On July 19, 2021, the Ohio Environmental Protection Agency (Ohio EPA), Division of Materials and Waste Management (DMWM), Northeast District Office (NEDO) received a request titled, *OAC Rule 3745-27-10(D)(7)(c)(ii) Alternative Source Demonstration for Chloride in Well MW-2i* (Request). The Request was prepared by Eagon & Associates, Inc. on behalf of EMC Metals, Inc., the owner/operator of the EMC Ashtabula, Inc. Landfill (aka Elkem Metals Company Landfill) (Facility). The alternative source demonstration is for a statistically significant increase (SSI) in the chloride in monitoring well MW-2i during the 2021 first semi-annual sampling event (April 2021) at the facility. The Facility's ground water monitoring program is regulated under the June 1, 1994 version of Ohio Administrative Code (OAC) Rule 3745-27-10 pursuant to the July 25, 2018 Director's Final Findings and Orders (DFFOs).

This Request was made pursuant to OAC Rule 3745-27-10(D)(7)(c)(ii), which is a more recent version of the rule (effective March 6, 2017) by which the ground water program at the Facility is regulated. This letter is being issued under the authority of the 1994 version of OAC Rule 3745-27-10 and pursuant to the previously issued DFFOs.

Ohio EPA has reviewed the Request and has determined that it is adequate to meet the intent of the rules. Therefore, pursuant to 1994 version of OAC Rule 3745-27-10(D)(7)(c), the owner/operator is hereby authorized to continue detection monitoring at well MW-2i in accordance with the 1994 version of the rules and the Director's 2018 DFFOs.

You are hereby notified that this action of the Director of the Ohio Environmental Agency (Director) is final and may be appealed to the Environmental Review Appeals Commission pursuant to Ohio Revised Code 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. The appeal must be filed with the Commission within thirty (30) days after notice of the Director's action. The appeal must be accompanied by a filing fee of \$70.00 made payable to "Treasurer, State of Ohio." The Commission, in its discretion, may reduce the fee if by affidavit it is demonstrated 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 with the Environmental Review Appeals Commission at the following address:

Environmental Review Appeals Commission
30 East Broad Street, 4th Floor
Columbus, Ohio 43215

If you have any questions concerning this letter, please contact Al Muller, DMWM, NEDO at (330) 963-1211.

Sincerely,



Laurie A. Stevenson
Director, Ohio EPA

KMP/AM/dy

cc: Peter VanderVelde, EMC Metals, Inc.
Clay Long, EMC Metals, Inc.
Mark Resch, Dragun Corp.
Shay Beanland, Eagon & Associates
Eric Adams, Ohio EPA, DMWM, NEDO
Albert Muller, Ohio EPA, DMWM, NEDO
Jeremy Carroll, Ohio EPA, DMWM, CO
Randall Barnes, Ashtabula County Board of Health

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