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October 26, 2021

VIA ELECTRONIC SUBMITTAL

Bradley Mitchell
The Ohio Environmental Protection Agency
Lazarus Government Center
50 West Town Street, Suite 700
Columbus, OH 43215

Re: Ross Incineration Services, Inc.
EPA ID: OHD 048 415 665
Ohio ID: 02-47-0295
Submittal of Corrective Measures Completion of Work Report for Implementation of
Waterfowl Deterrent in the Freshwater Lake

Dear Mr. Mitchell:

Ross Environmental Services, Inc. on behalf of Ross Incineration Services, Inc. ("RIS") hereby submits a Corrective Measures Completion of Work Report for implementation of a Waterfowl and Nuisance Bird Deterrent Plan for the Freshwater Lake ("CMCW Report") for the RIS facility. This report is intended to document completion of Condition E.9(c)(xiv) of RIS Ohio Hazardous Waste Resource Conservation and Recovery Act ("RCRA") Part B Permit ("Part B Permit"), which requires RIS to develop and implement a Waterfowl and Nuisance Bird Deterrent Plan for the Freshwater Lake. As such, the CMCW Report documents the following: cleanup objectives and applicable standards have been met; and constituents no longer pose an unacceptable risk to human health and the environment

BACKGROUND: RIS operates a hazardous waste treatment and storage facility located in Eaton Township, Ohio. The primary service offered by RIS is treatment of hazardous waste by incineration. On January 29, 2014, RIS was issued a Part B Permit renewal from the Ohio Environmental Protection Agency ("EPA").

Corrective Action activities are permitted under RIS' Part B Permit Module E – *Corrective Action* and are incorporated into RIS' Permit Application as Section J – *Corrective Action*. RIS investigated the Freshwater Lake as part of its Corrective Action RCRA Facility Investigation ("RFI") Report. The RFI Report characterizing the facility was submitted in 2009, and Ohio EPA approved the RFI Report in 2011. On December 27, 2017, Ohio EPA issued a Director Initiated Permit Modification ("DIPM") amending RIS' Permit, which required the Corrective Measures and implementation schedule to be incorporated into RIS Application.

In accordance with Condition E.9(c)(xiv) of the Part B Permit, RIS implemented a plan to limit exposures to ecological receptors from the Freshwater Lake. Condition E.9(c)(xiv) requires RIS to develop and implement a Waterfowl and Nuisance Bird Deterrent Plan (“WNDP”) for the Freshwater Lake. The WNDP was submitted to Ohio EPA on September 18, 2018 and approved by the Ohio EPA on October 31, 2018. RIS incorporated the WNDP into RIS’ Part B Permit Application Section J – *Corrective Action*, Appendix J-7 – *Waterfowl and Nuisance Bird Deterrent Plan* on November 29, 2018. In October 2020, RIS began implementation of the WNDP, which was ongoing until its completion in October 2021. A Professional Engineer’s certification is included in the CMCW Report to document that implementation and completion of Corrective Measures for the Freshwater Lake were performed in accordance with the requirements of the Ohio EPA approved WNDP.

SUBMITTAL: The purpose of this submittal is to document the completion of Corrective Action requirements for RIS’ WNDP. As such, RIS hereby submits a CMCW Report in accordance with RIS’ Permit Condition E.12 – *Completion of Corrective Action*. The CMCW Report is included as **Enclosure 1**.

REQUEST FOR APPROVAL: RIS hereby requests approval of the CMCW Report for the WNDP. Upon approval of this report by the Ohio EPA, RIS will submit a Class 1 permit modification request (“PMR”) to revise its Permit to reflect implementation of WNDP activities.

CONFIDENTIAL INFORMATION: No Confidential Information is presented in the WNDP CMCW Report. As such, a separate Public Information Version will not be submitted to the Ohio EPA.

If you have any questions regarding this request, please contact Barbara Kewish at 440.748.5845, or me at 440.748.5847.

Sincerely,
ROSS ENVIRONMENTAL SERVICES, INC.



Susan K. Kaiser
Director, Corporate EHS

Enclosure

cc: Karen Nesbit, Ohio EPA, NEDO DMWM VIA ELECTRONIC SUBMITTAL
Halee Smith, Ohio EPA, CO VIA ELECTRONIC SUBMITTAL

Enclosure 1

**[Corrective Measures Completion of Work Report
For Implementation of Waterfowl and Nuisance Bird Deterrent Plan]**

**WATERFOWL DETERRENT PLAN IMPLEMENTATION
CORRECTIVE MEASURES COMPLETION OF WORK**

**Ross Incineration Services, Inc.
36790 Giles Road
Grafton, Ohio 44044
October 2021**

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LIST OF APPLICABLE DEFINITIONS AND ACRONYMS

Application – RIS’ Ohio Part B Permit Application
CAP – Corrective Action Program
CMCW Report - Corrective Measures Completion of Work Final Report
CSF – Container Storage Facility
DIPM – Director Initiated Permit Modification
EPA – Environmental Protection Agency
ERA – Ecological Risk Assessment
FWL – Freshwater Lake
HQ – Hazard Quotient
OAC – Ohio Administrative Code
PECOC - Potential Ecological Chemicals of Concern
Permit – RIS’ Ohio Hazardous Waste Facility RCRA Part B Permit
RCRA – Resource Conservation and Recovery Act
RFI – RCRA Facility Investigation
RIS – Ross Incineration Services, Inc.
RWP – Rainwater Pond
SWMUA - Solid Waste Management Unit Area

WATERFOWL DETERRENT IMPLEMENTATION CORRECTIVE MEASURES COMPLETION OF WORK

1. INTRODUCTION

Ross Incineration Services, Inc. (“RIS”) operates a hazardous waste treatment and storage facility located at 36790 Giles Road, Eaton Township, Ohio. On January 29, 2014, the Ohio Environmental Protection Agency (“Ohio EPA” or “the Agency”) issued an Ohio Hazardous Waste Facility Resource Conservation and Recovery Act (“RCRA”) Part B Permit (“Permit”) renewal to RIS.

Corrective Action activities are permitted under RIS’ Part B Permit Module E – *Corrective Action Requirements* and are incorporated into RIS’ Ohio Part B Permit Application (“Application”) as Section J – *Corrective Action*. RIS investigated the Freshwater Lake (“FWL”) as part of its Corrective Action RCRA Facility Investigation Final Report (“RFI Report”). The RFI Report characterizing the facility was submitted in 2009, and Ohio EPA approved the RFI Report in 2011. On December 27, 2017, Ohio EPA issued a Director Initiated Permit Modification (“DIPM”) amending RIS’ Permit and setting forth Corrective Measures and an implementation schedule for the facility. Specifically, the DIPM states that RIS take steps to discourage the presence of upper trophic ecological receptors in the FWL to reduce ecological risk from potential exposure to persistent bioaccumulative toxic pollutants.

In addition, Condition E.9 *Corrective Measures Implementation* (c) *Corrective Measures* (xiv) of RIS’ Part B Permit states:

The Permittee must complete implementation of the Freshwater Lake Plan no later than thirty-six (36) months after Ohio EPA approval.

As such, RIS submitted a Waterfowl and Nuisance Bird Deterrent Plan to Ohio EPA on September 18, 2018, and Ohio EPA approved the plan on October 31, 2018. RIS incorporated the plan into its Part B Permit Application Section J – *Corrective Action*, Appendix J-7 – *Waterfowl and Nuisance Bird Deterrent Plan* (“the Plan”) on November 30, 2018. Beginning in 2020, RIS implemented a plan to limit exposures to ecological receptors from the FWL, intending to meet the required completion date of October 30, 2021.

As part of the Plan, RIS deterred waterfowl from the FWL and the Rainwater Pond (“RWP”) on-site. RIS expanded the scope of the original Plan to also include the RWP because waterfowl tend to readily move from nearby water body to water body. As such, RIS took steps to deter them from both the FWL and RWP.

Beginning October 2020, RIS began implementation of the Plan. The Corrective Measures Completion of Work Final Report (“CMCW Report”) serves to document implementation of

RCRA Corrective Action Program (“CAP”) and DIPM requirements to discourage the presence of upper trophic ecological receptors in RIS’ FWL. Per Ohio Administrative Code (“OAC”) Rule 3745-54-101 and RIS Permit Condition E.12 - *Completion of Corrective Action*, the CMCW Report for the Plan documents that Corrective Action activities are complete, objectives are met, and implementation of activities successfully limits exposure of upper level ecological receptors to the FWL.

2. HISTORICAL ACTIVITIES OF THE FRESHWATER LAKE AND RAINWATER POND

a) The Freshwater Lake

Beginning about 1962 impoundments were created in the area now known as the North Landfill. These impoundments were constructed using clay, and a total of five impoundments were created to be used within the North Landfill for waste treatment and land disposal.

In 1972, the area immediately to the west of the North Landfill was excavated to generate cap material for use as cover over the North Landfill. The resulting excavation created the FWL. No waste management activities have occurred in this area since 1972. While the FWL is located outside of the current operational area, it is adjacent to a former solid waste management unit area (“SWMUA”).

The FWL is approximately 4.75 acres and is typically less than 15 feet in depth. Cobble, gravel, silt and clay make up the bottom substrates of the FWL. Shorelines of the FWL are largely surrounded by emergent wetland areas that are vegetated with both native and non-native plants. On the north side and a portion of the west side, vegetation is visibly thinner due to previous maintenance activities at the FWL.

The FWL is an aquatic habitat that can support various organisms. The FWL has been observed to support invertebrate populations and a fish community. Historically, waterfowl have been observed at the FWL foraging and nesting. Primarily, geese have been observed in and nesting around the FWL. Great blue heron, mallards, kingfisher, and cormorant have also been observed in and around the FWL, although less frequently than geese and they have not been observed nesting in the area.

Water collected in the FWL is used for make-up water in the RIS incinerator’s air pollution control system which causes the elevation to fluctuate during periods when water is withdrawn. The location of the FWL is shown in **Attachment A – Water Body Locations**.

b) The Rainwater Pond

Beginning about 1986, RIS began construction of a Container Storage Facility (“CSF”) at RIS. As part of the building construction, the RWP was constructed to collect precipitation from the

downspouts of the CSF roof, and sump system intended to collect rainwater blown into the perimeter of the building. In addition, the RWP is used as a retention basin for the collection of surface runoff from the active portion of the facility.

The RWP is approximately 1 acre in size. The bottom of the RWP is made up of silt and clay, with evidence of some underlying gravel. Shorelines to the east and north are vegetated with typical wetland flora. The shoreline to the south is made up of placed cobbles and gravel.

Invertebrate populations (frogs and turtles) have been observed in the RWP, although no fish have been observed. Historically, geese have been observed at the RWP foraging and nesting.

Precipitation collected in the RWP is used as cooling water in the incineration system. As such, the level of the RWP fluctuates significantly on a daily basis. Because the RWP is drawn down on a regular basis, the RWP is not sufficient habitat for most upper level ecological receptors. The location of the RWP is shown in **Attachment A – Water Body Locations**.

3. BACKGROUND AND RATIONALE

During the RFI, the FWL and RWP were evaluated for human exposure risks to surface water and ecological exposure to surface water and sediment. Potential risks for human exposure to the FWL and RWP surface water and sediment were within acceptable limits.

The Ecological Risk Assessment (“ERA”) was comprised of both a qualitative and quantitative evaluation. The qualitative evaluation consisted of three ecological surveys conducted at RIS and confirms that ecological receptors in and around the FWL show no obvious signs of stress. The quantitative ecological risk evaluation calculated potential risks for direct chemical exposures to lower level receptors and bioaccumulative exposures to upper level receptors. Fourteen (14) Potential Ecological Chemicals of Concern (“PECOC”) were identified in the FWL surface water and sediment. Of these, 3 exceeded a Hazard Quotient (“HQ”) of 15 for lower level receptors in sediment; and 1 exceeded an HQ of 15 for upper level receptors (also in sediment). The PECOCs exceeding the HQ include: DDT, Phenol, and Pyrene.

Based on the findings of the RFI, RIS has implemented strategies to deter upper level receptors from foraging in and around the FWL and RWP.

4. WATERFOWL DETERRENT PLAN (“the Plan”) IMPLEMENTATION

After evaluation of multiple options, RIS began work to install a buffer surrounding the FWL and RWP to make the area an undesirable habitat for nesting waterfowl. The buffer would consist of native and planted grasses, wildflowers and other vegetation intended to block waterfowl access to the shorelines of the ponds.

As such, beginning in October 2020, RIS worked to define a boundary around the south and east sides of FWL. The boundary would identify the area where vegetation would become established. Because the north and west side of the FWL are steeper, and generally consist of rocky clays, they are not conducive for waterfowl habitat.

In addition, a boundary on the east and north sides RWP was also defined. The boundary would identify the area where vegetation would become established. The south side of the RWP is rocky and is adjacent to a traffic area; as such, it is not conducive to waterfowl habitat.

In June 2021, additional work was completed to fully define the buffer areas around each pond, and signage was added to inform facility personnel not to mow the buffer. In addition, grass seed and wildflower seed were planted in the defined buffer area.

Attachment B – Waterbody Buffer Zones shows the locations of the established buffer zones. **Attachment C – Project Photographs** includes photos of the project implementation.

5. VISUAL OBSERVATIONS

Between February 2021 and August 2021, visual observations of the FWL and RWP occurred about every 2 weeks. The purpose of the visual observations was to check for possible nesting activities of waterfowl during nesting season. During that time about 5 geese (total) were observed in the FWL or RWP. However, nests were not observed during 2021, and goslings were not observed during 2021.

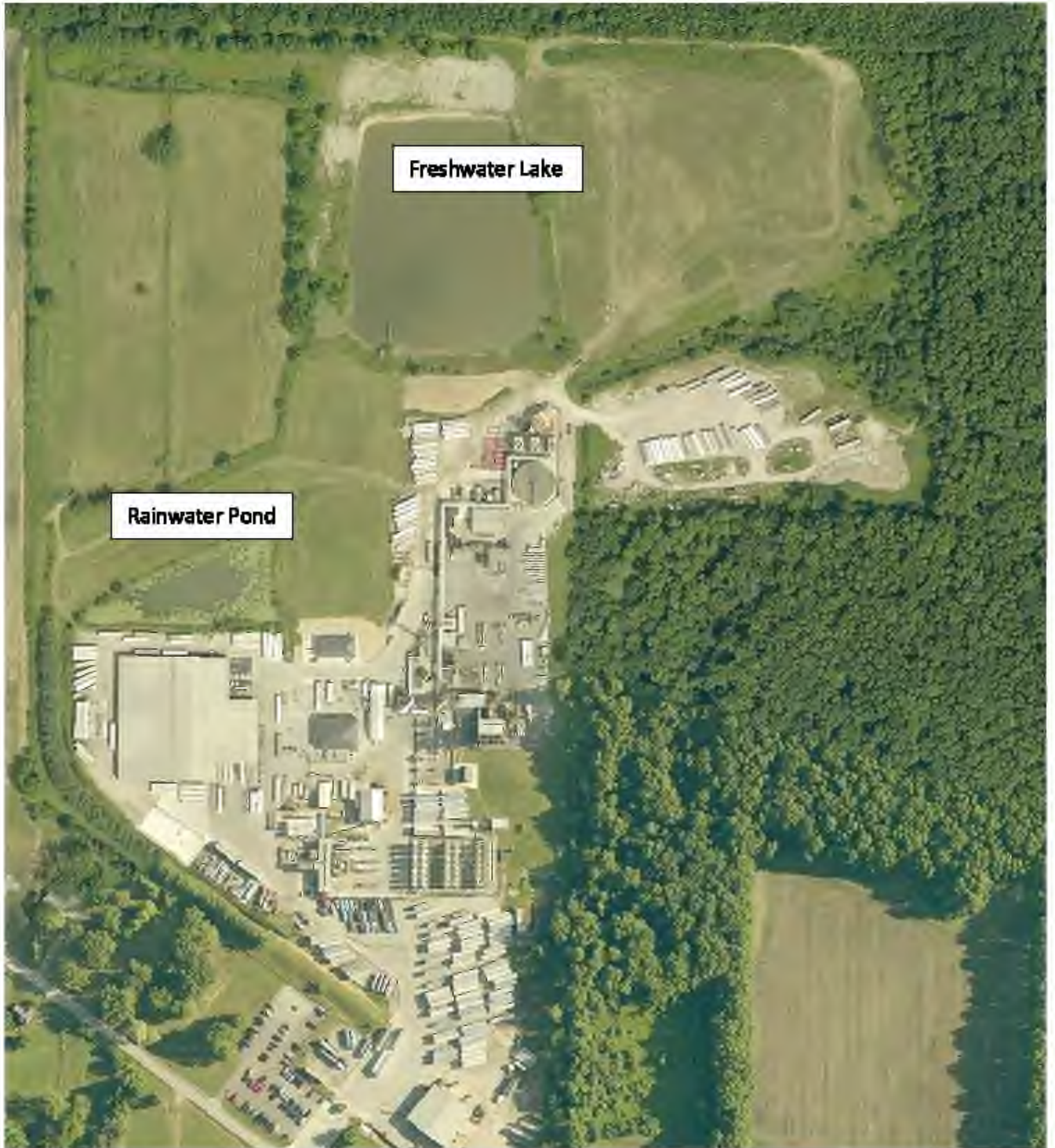
Between August and October 2021 periodic observations were made of the ponds. Some waterfowl were observed in the FWL or RWP between August and October 2021, however, the waterfowl appeared transient as it is common for them to move from pond to pond during this time, and they were not observed in subsequent observations.

As part of inspection and monitoring requirements for Corrective Action areas, RIS will continue to conduct observations to ensure the effectiveness of the vegetative buffer. If necessary, additional waterfowl deterrent methods may be utilized in the future.

6. COMPLETION OF CORRECTIVE ACTION

This CMCW Report meets the requirements OAC Rule 3745-54-101 and RIS Permit Condition E-12 *Completion of Corrective Action*. The implementation of the Waterfowl Deterrent Plan meets the Waterfowl Deterrent Plan objectives, and the area no longer poses an unacceptable risk to human health or the environment. An Independent Engineer's Certification required per ORC Section 4733.01, for the FWL CMCW is included as **Attachment D – Independent Engineer's Certification**.

Attachment A
Water Body Locations



Attachment B

Waterbody Buffer Zones



Attachment C
Project Photographs



On June 1, 2021, RIS seeded areas on the eastern and northern edges of the Rainwater Pond (RWP). RIS also seeded the areas to the south and east of the Freshwater Lake (FWL). The areas were previously marked with property boundary flags to denote areas where mowing should no longer occur. Both grass seed and wildflower mix were planted.



June 1, 2021, East of RWP – looking North. Property boundary flags are evident to the left in the photo, buffer area begins to the left of the boundary flags.



June 1, 2021, East of RWP – looking Southwest. Staged empty trailer and the CSF are seen south of the RWP. Vegetative buffer area is shown in the foreground of the photo.



June 1, 2021, North of RWP looking East. Buffer flag can be found in the center of the photo, and buffer area is shown on the right side of the photo.



June 1, 2021, North of RWP looking Southeast. Vegetated buffer area north of RWP, RWP can be seen in the middle of the photo.



June 1, 2021, East side of Freshwater Lake looking north. Buffer flags are evident in the middle of the photo. Area is being planted with grasses and wildflower seed.



June 1, 2021, South side of Freshwater Lake looking west. Buffer flags are evident in the middle of the photo. Vegetated buffer is evident on the right side of the photo.



June 28, 2021, Signage placed around FWL and RWP to deter mowing of the area, which in turn allowed the waterfowl buffer to become established.



June 28, 2021, Signage placed around FWL and RWP to deter mowing of the area, which in turn allowed the waterfowl buffer to become established.



October 12, 2021, East of RWP – looking North. Vegetative buffer is evident on the left side of the photo.



October 12, 2021, East of RWP – looking West. Vegetative buffer is evident in the foreground.



October 12, 2021, East of RWP – looking Northwest. Vegetative buffer is evident in the foreground, and on the North side of the RWP.



October 12, 2021, South of the FWL looking East. Vegetative buffer is evident on the left side of the photo.



October 12, 2021, South of the FWL looking East. Vegetative buffer is evident on the left side of the photo.



October 12, 2021, South of the FWL looking North. Vegetative buffer is evident in the foreground of the photo.



October 12, 2021, East of the FWL looking North. Vegetative buffer is evident in the foreground and left side of the photo.

Ross Incineration Services, Inc.
FWL Deterrent Plan
CMCW

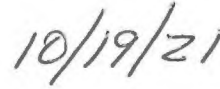
Attachment D

Independent Engineer's Certification

CERTIFICATION OF COMPLETION OF CORRECTIVE MEASURES

Implementation and completion of Corrective Measures for the Freshwater Lake at Ross Incineration Services, Inc. were completed in accordance with the requirements of the Ohio Environmental Protection Agency approved Waterfowl Deterrent Plan.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on inquiry of the person or persons who manage the system, or those persons directly responsible for gathering of information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.



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Date

P.E. STAMP & NO:

