

**BEFORE THE  
OHIO ENVIRONMENTAL PROTECTION AGENCY**

In the Matter of:

|                                                    |   |                                  |
|----------------------------------------------------|---|----------------------------------|
| Little Scioto River (LSR) Superfund Site - Phase 1 | : | <u>Director's Final Findings</u> |
| 2644 Keener Road                                   | : | <u>and Orders</u>                |
| Marion, OH 43302                                   | : |                                  |

**I. JURISDICTION**

These Director's Final Findings and Orders are issued pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("ORC") Sections 3734.02 and 3734.57.

**II. 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.

**III. FINDINGS**

The Director of Ohio EPA ("Director") has determined the following findings:

1. The United States Environmental Protection Agency Region 5 (USEPA Region 5) is overseeing a remediation project at the property located at 2644 Keener Road, Marion, Marion County, Ohio ("Property"). The Property is not a facility licensed for disposal of solid waste pursuant to ORC Chapter 3734.
2. The removal activities for the remediation project are estimated to begin August 1, 2024. The remediation project will include the removal, stabilization, and proper disposal of contaminated non-hazardous sediment. This material is solid waste as defined in Ohio Administrative Code ("OAC") Rule 3734.01(E).
3. The remediation project at the Property is anticipated to generate approximately 129,500 cubic yards of solid waste. This solid waste may be disposed at the licensed County Environmental Landfill of Wyandot located at 11164 Co Hwy 4, Carey, Wyandot County, Ohio.
4. Solid wastes from the Property consisting of sediment from the Little Scioto River and stabilized with Calciment will be disposed of with the use public funds for remediation at the Property.

5. Pursuant to ORC Section 3734.57(A), state disposal fees are to be levied on the disposal of solid waste at solid waste facilities. These solid waste disposal fees are to be collected and remitted to the state of Ohio at a rate of \$4.75 per ton.
6. ORC Section 3734.57(D)(8), provides that “the Director may issue an order exempting from the fees levied under this section solid wastes, including, but not limited to, scrap tires, that are generated, transferred, or disposed of as a result of a contract providing for the expenditure of public funds entered into by the administrator or regional administrator of the United States environmental protection agency, the director of environmental protection, or the director of administrative services on behalf of the director of environmental protection for the purpose of remediating conditions at a hazardous waste facility, solid waste facility, or other location at which the administrator or regional administrator or the director of environmental protection has reason to believe that there is a substantial threat to public health or safety or the environment or that the conditions are causing or contributing to air or water pollution or soil contamination.”
7. Pursuant to ORC Section 3734.02(G), the Director may, by order, exempt any person collecting, storing, or disposing of solid waste in such quantities or under such circumstances from any requirement of ORC Chapter 3734, if, in the determination of the Director, it is unlikely that the public health or safety or the environment will be adversely affected thereby. Any such exemption shall be consistent with and equivalent to rules promulgated under the Resource Conservation and Recovery Act of 1976, 90 Stat. 2806, 42 U.S.C. Section 6921, et seq., as amended.
8. The Director has determined that granting an exemption from the requirement to remit and transmit the state disposal fee levied pursuant to ORC Section 3734.57(A) for the disposal of solid waste described in Finding 4, consisting of stabilized, contaminated non-hazardous soils as the result of a cleanup project at the Property, and which solid waste will be disposed as a result of a expenditure of public funds for the cleanup at the Property is consistent with the policy and goals of the public expenditure fee waiver in ORC Section 3734.57(D)(8), and that exempting the state solid waste disposal fees as required under ORC Section 3734.57(A) pursuant to ORC Sections 3734.02(G) and 3734.57(D)(8), is unlikely to adversely affect public health or safety or the environment.
9. Pursuant to ORC Section 3734.57(D)(8), the Director finds that the remediation project described in Finding 2 will address site conditions that pose a substantial threat to

public health or safety or the environment or that are causing or contributing to air or water pollution or soil contamination.

#### **IV. ORDERS**

The Director hereby issues the following Orders:

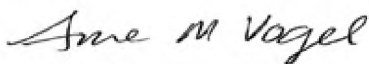
1. Pursuant to ORC Sections 3734.02(G) and 3734.57(D)(8), the solid waste described in Findings 3 and 4 that is disposed at a solid waste facility that is licensed in accordance with ORC Chapter 3734 is hereby exempt from the solid waste disposal fees levied and required to be remitted under ORC Section 3734.57(A).
2. Nothing in these Orders shall be construed to authorize any activity, method, or waiver from the requirements of ORC Chapter 3734 or the regulations promulgated thereunder, except as expressly provided herein.
3. This exemption shall terminate upon completion of the project for the 2644 Keener Road, Property as described herein.

#### **V. EFFECTIVE DATE**

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

**IT IS SO ORDERED:**

**OHIO ENVIRONMENTAL PROTECTION AGENCY**



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Anne M. Vogel, Director  
Ohio EPA