

Appendix E – Ohio EPA Permit to Install



State of Ohio Environmental Protection Agency

STREET ADDRESS:

Lazarus Government Center
122 S. Front Street
Columbus, Ohio 43215

TELE: (614) 644-3020 FAX: (614) 644-3184

MAILING ADDRESS:

P.O. Box 1049
Columbus, OH 43216-1049

July 25, 2003

Re: Girard
Trumbull County
Application No. 02-18221
Application for Implementation of the Mahoning River
Biotreatability Study Work Plan on the West Bank of the
Mahoning River off of East Marshall Road
Plans Received June 26, 2003
From Waste Science, Inc.

CERTIFIED MAIL

Eastgate Regional Council of Governments
Attn: Kim Mascarella
5121 Mahoning Avenue
Youngstown, Ohio 44515

Ladies and Gentlemen:

Enclosed is the Ohio EPA Permit to Install which will allow you to install the described source in the manner indicated in the permit. Because this permit contains several conditions and restrictions, I urge you to read it carefully.

The issuance of this Permit to Install is considered to be a final action of the director. Any person who was a party to this proceeding may appeal this action to the Environmental Review Appeals Commission pursuant to Ohio Revised Code 3745.04. To appeal this action, a written notice of appeal, setting forth the action complained of and the grounds for appeal, must be filed with the Environmental Review Appeals Commission at 309 South Fourth Street, Room 222, Columbus, Ohio 43215, within thirty (30) days after the date of this letter. You must also serve a copy of the notice of appeal to the director of Ohio EPA and the Environmental Enforcement Section of the Office of the Attorney General within three (3) days of filing a notice of appeal with the Environmental Review Appeals Commission.

You should note that a general condition of your permit states that issuance of the permit does not relieve you of the duty of complying with all applicable federal, state, and local laws, ordinances, and regulations.

If you have any questions, please contact the Ohio EPA district office to which you submitted your application.

Sincerely

Patti L. Smith, Supervisor
Permit Processing Unit
Division of Surface Water

PLS/sg

Enclosure

cc: Northeast District Office
Trumbull County Health Department
U.S. Army Corps of Engineers - Pittsburgh District
Waste Science, Inc.

Bob Taft, Governor
Jennette Bradley, Lieutenant Governor
Christopher Jones, Director

Ohio Environmental Protection Agency

Permit to Install

Application No: 02-18221

Applicant Name: Eastgate Regional Council of Governments
Address: 5121 Mahoning Avenue
City: Youngstown
State: Ohio, 44515

Person to Contact: Katy Makeig
Telephone: 301-340-3301

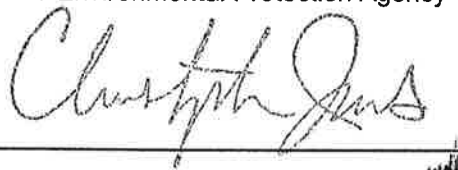
Description of Proposed Source: Implementation of the Mahoning River Biotreatability Study Work Plan on the West Bank of the Mahoning River off of East Marshall Road, Girard, Trumbull County

Issuance Date: July 25, 2003

Effective Date: July 25, 2003

The above named entity is hereby granted a permit to install for the above described source pursuant to Chapter 3745-31 of the Ohio Administrative Code. Issuance of this permit does not constitute expressed or implied approval or agreement that, if constructed or modified in accordance with the plans included in the application, the above described source of environmental pollutants will operate in compliance with applicable state and federal laws and regulations. Issuance of this permit does not constitute expressed or implied assurance that, if constructed or modified in accordance with those plans and specifications, the above described source of pollutants will be granted the necessary operating permits. This permit is granted subject to the following conditions attached hereto.

Ohio Environmental Protection Agency

A handwritten signature in cursive script, appearing to read "Christopher Jones", is written over a horizontal line. The signature is in dark ink and is positioned to the left of the line's end.

Christopher Jones
Director
P. O. Box 1049,
122 South Front Street
Columbus, OH 43216-1049

This permit shall expire if construction has not been initiated by the applicant within eighteen months of the effective date of this permit. By accepting this permit, the applicant acknowledges that this eighteen month period shall not be considered or construed as extending or having any effect whatsoever on any compliance schedule or deadline set forth in any administrative or court order issued to or binding upon the permit applicant, and the applicant shall abide by such compliance schedules or deadlines to avoid the initiation of additional legal action by the Ohio EPA.

The director of the Ohio Environmental Protection Agency, or his authorized representatives, may enter upon the premises of the above named applicant during construction and operation at any reasonable time for the purpose of making inspections, conducting tests, examining records, or reports pertaining to the construction, modification, or installation of the above described source of environmental pollutants.

Issuance of this permit does not relieve you of the duty of complying with all applicable federal, state, and local laws, ordinances, and regulations.

Any well, well point, pit, or other device installed for the purpose of lowering the ground water level to facilitate construction of this project shall be properly abandoned in accordance with the provisions of this plan or as directed by the director or his representative.

Any person installing any well, well point, pit or other device used for the purpose of removing ground water from an aquifer shall complete and file a Well Log and Drilling Report form with the Ohio Department of Natural Resources, Division of Water, within 30 days of the well completion in accordance with the Ohio Revised code Section 1521.01 and 1521.05. In addition, any such facility that has a capacity to withdraw waters of the state in an amount greater than 100,000 gallons per day from all sources shall be registered by the owner with the chief of the Division of Water, Ohio Department of Natural Resources, within three months after the facility is completed in accordance with Section 1521.16 of the Ohio Revised Code. For copies of the necessary well log, drilling report, or registration forms, please contact:

Ohio Department of Natural Resources
Fountain Square
Columbus, OH 43224-1387
(614) 265-6717

The permittee shall perform the proposed activity in strict accordance with the conditions given in this approval and with the method(s) of operation outlined in the application submitted for this approval to the Director of the Ohio Environmental Protection Agency. There shall be no deviation from these plans without the prior express, written approval of the agency. Any deviations from these plans or the above conditions may lead to such sanctions and penalties as provided for under Ohio law. Approval of this plan and issuance of this permit does not constitute an assurance by the Ohio Environmental Protection Agency that the proposed facilities will operate in compliance with all Ohio laws and regulations.

To every extent possible, the permittee shall implement best management practices necessary to prevent and/or control the release of contaminants downstream during the proposed activity.

At no time shall the proposed activity cause or contribute to a nuisance condition.

A report, which provides a technical appraisal of the demonstration project shall be submitted to the appropriate district office of the Ohio Environmental Protection Agency no later than twelve months after completion of the project.



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
PITTSBURGH DISTRICT, CORPS OF ENGINEERS
WILLIAM S. MOORHEAD FEDERAL BUILDING
1000 LIBERTY AVENUE
PITTSBURGH, PA 15222-4186

June 4, 2002

Real Estate Division
Acquisition Branch

SUBJECT: Right-of-Entry for Surveying and Exploration, Mahoning River Environmental
Dredging Feasibility Study, Trumbull County, Ohio

McDonald Industrial Land Company
Attn: Mr. Thomas A. Kantor
100 Ohio Avenue
McDonald, Ohio 44437

Dear Mr. Kantor:

I have enclosed for your files a copy of the fully executed right-of-entry for surveying and exploration of the Mahoning River related to the subject study. I greatly appreciate all of your efforts to expeditiously bring this matter to a conclusion.

Sincerely,

Paula Johnson-Muic
Chief, Acquisition Branch

Enclosures

CF; (w/o encls)
CELRP-PM-F, Jeff Benedict
CELRP-EC-GD, Dilip Kothari

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MCGUIGAN RE-M
WOOD RE-A

for JOHNSON-MUIC RE-A
6-3-02
Zulu-5-02

RECORD READING FILE COPY

DEPARTMENT OF THE ARMY
RIGHT-OF-ENTRY FOR SURVEY AND EXPLORATION

Mahoning River Environmental
Dredging Feasibility Study

McDonald Industrial Land Company


(Project, Installation or Activity)

(Tract Number or Other Property Identification)

The undersigned, hereinafter called the "Owner," hereby grants to the UNITED STATES OF AMERICA, hereinafter called the "Government," a permit or right-of-entry upon the following terms and conditions:

1. The Owner hereby grants to the Government an irrevocable right to enter upon lands hereinafter described at any time within a period of forty-eight (48) months from the date of this instrument, in order to survey, make test borings, and carry out such other exploratory work as may be necessary to complete the investigation being made of said lands by the Government.
2. This permit includes the right of ingress and egress on other lands of the Owner not described below, provided such ingress and egress is necessary and not otherwise conveniently available to the Government.
3. All tools, equipment, and other property taken upon or placed upon the land by the Government or its contractor shall remain the property of the Government and will be removed by the Government at any time within a reasonable period after the expiration of this permit or right-of-entry.
4. If any action of the Government's employees or agents in the exercise of this right-of-entry results in damage to the real property, the Government will, in its sole discretion, either repair such damage or make an appropriate settlement with the owner. In no event shall such repair or settlement exceed the fair market value of the fee title to the real property at the time immediately preceding such damage. The Government's liability under this clause is subject to the availability of appropriations for such payment, and nothing contained in this agreement may be considered as implying that Congress will at a later date appropriate funds sufficient to meet any deficiencies. The provisions of this clause are without prejudice to any rights the Owner may have to make a claim under applicable laws for any damages other than those provided for herein.
5. If aircraft flights over said lands, or entry upon the land by means of helicopter or other type aircraft, are necessary, the Government shall inform the Owner, in advance, of each such flight or entry.
6. The land affected by this permit or right-of-entry is located in the State of Ohio, County of Trumbull, and is described as follows: See attached Exhibit A.

WITNESS MY HAND AND SEAL this 23 day of May, 2002


Thomas A. Kuntz (SEAL)
McDonald Industrial Land Company

(SEAL)

UNITED STATES OF AMERICA

BY 
Chief, Real Estate Division

M Crescent St. Dam

~~Dam~~

RUMBULL COUNTY, OHIO

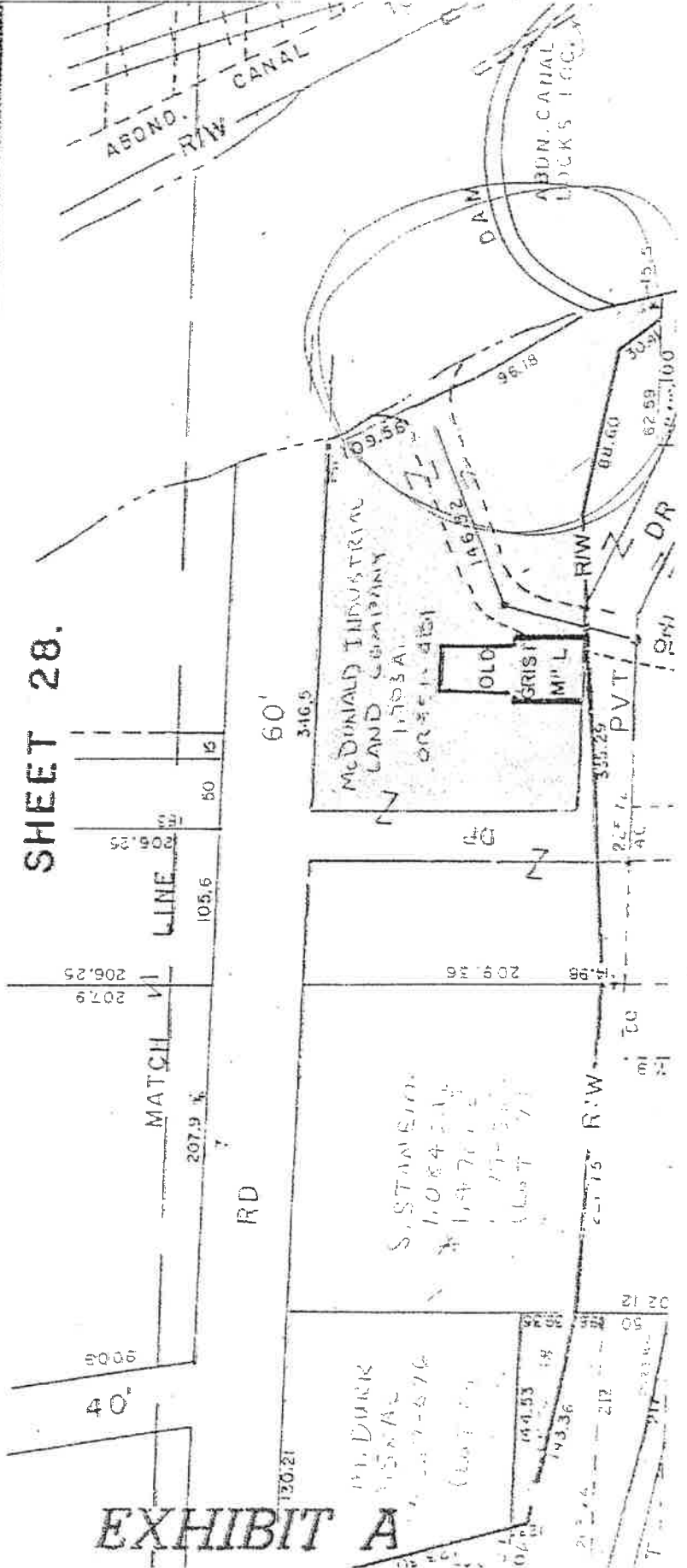


EXHIBIT A

