

Current Update

- The Ohio EPA has referred the Painesville PRP Group and other entities which signed the Remedial Investigation/Feasibility Study Orders with the Agency to the Ohio Attorney General's office for enforcement. A significant disagreement exists concerning investigations on the former coke plant (Study Area 2) portion of the Site. This disagreement involves the scoping of the investigation, including the number of samples required. Three other issues were also referred for enforcement, but have since been settled. The issue regarding a penalty is still outstanding. Penalty negotiations are planned for the near future and once an agreement is reached, investigations on these portions of the Site will continue.

During a meeting on December 12, 2000, the Ohio EPA outlined its requirements for the investigation of study areas 1B1 and 2. These issues were further discussed during the February 1, 2001 meeting. It is the hope of both the Ohio EPA and Painesville PRP Group that agreements can be reached quickly so that the Phase II Remedial Investigation can be completed by the end of the summer.

- During routine installation of a sewer force main on the south side of Fairport Nursery Road in February, 2000, Lake County Utilities discovered hexavalent chromium-contaminated waters in one of their concrete vaults. In order to complete the project, Lake County Utilities hired a contractor to deal with the contaminated soils and liquids. The project has since been completed and Chemical Land Holdings has committed to paying for the extra costs associated with the hexavalent chromium portion of the project. Determination of the extent of subsurface hexavalent chromium contamination in this area will be determined as part of the Phase II Remedial Investigation.
- Chemical Land Holdings has recently completed their first year of ground water monitoring at the One Acre Site under the Interim Operation and Maintenance Plan negotiated with the Ohio EPA. Results from the March and June sampling events have been provided to the Ohio EPA and it does not appear that contaminants are migrating from the landfill. Results from the September and December sampling events will be provide to Ohio EPA for review in the near future.
- Several properties which are currently part of the Diamond Shamrock Painesville Works Site have been transferred to new owners. Three parcels were transferred within Study Area 7 to three different entities/individuals. The former coke plant parcel (Study Area 2) was recently purchased by Morgan Properties, Inc. during a sheriff's auction. The Ohio EPA has notified all of the new property owners of their potential liabilities and the Painesville PRP Group is currently seeking access for the remainder of the investigation.
- The Painesville PRP Group recently filed suit against individuals and entities which have declined to participate in the environmental study. This suit seeks to recover costs for investigation of properties owned by non-settlers.
- The DSCRT website is back through the kind offices of our host, North Coast Web, the Village of Fairport Harbor, and our consultant Deanna Hoops. Our new address is <http://www.ncweb.com/org/dscrt>. We plan to provide our newsletters, meeting notices for the DSCRT and Ohio EPA public meetings, and other timely information about the environmental study on our website as it becomes available.

Environmental Study Complete on Two Site Parcels

On October 13, 2000, the Ohio EPA issued the Decision Document for two parcels of the Diamond Shamrock Painesville Works Site. This document released property owned by Roadway Express and Steven and Calvina Gagat (Fairport Machine and Manufacturing) from the Director's Final Findings and Orders (DFFO) for the Site. This release was based on investigations which revealed that Waste Lake #3 and its related contaminants did not extend onto the properties. The Ohio EPA determined that no further actions were required for these parcels.

Phase 2 Environmental Investigation Field Work

Ohio EPA approved the Phase 2 Remedial Investigation (RI) Work Plan covering about 90% of the Site area in August 2000, and that field work was completed by November 2000. This work included soil borings to collect soil samples and new groundwater monitoring wells installation and sampling. In addition, Grand River water samples and biological species assessment work was performed. The data has been coming back from the laboratory more slowly than anticipated, but is just now complete. Additional quality control and quality assurance work will be performed by an independent firm specializing in this type of work to verify the usability of the data. This information will be used to complete the Phase II RI Report and to prepare the ecological and human health risk assessments, describing any potential threats in these areas. The data will also be used to prepare feasibility studies, describing ways to eliminate or mitigate any potential threats.

The PRP Group and Ohio EPA were unable to reach agreement on the required scope of the sampling on about 10% of the Site area, and Ohio EPA has referred the resolution of these matters to the Ohio Attorney General's office, as described under "Current Update" in this newsletter.

Plan to Request Release of Additional Parcels

In April of 1999, the PRP Group requested that the Ohio EPA release two additional sections (the Group 2 Parcels) of the Site. These Group 2 Parcels were fringe areas in the Northeast and Southeast parts of the Site with no previous manufacturing activities. Ohio EPA required additional environmental testing, and this work was completed by the first part of 2000. The original April 1999 report will be updated to include this additional testing and resubmitted to Ohio EPA once the RI Phase 2 Work Plan issues are resolved.