

Diamond Shamrock Community Relations Team

Ohio EPA Report

10/15/03

- Ohio EPA issued final approval on the Phase II Remedial Investigation (RI) Report on September 19, 2003. Reports regarding investigations at the Popp's Welding property (Parcel 1A10) and soil sampling under waste piles on the coke plant (Parcel 2C1) have been submitted to Ohio EPA under separate cover and will be reviewed in the near future.

- Ohio EPA provided comments to the Painesville PRP Group regarding the Feasibility Study (FS) Work Plan, which was submitted to the Agency for review on September 24, 2003. The Agency's comments will be addressed by the Painesville PRP Group and a revised document should be submitted for Ohio EPA review by the second week in November. The FS Work Plan also proposed dividing the Site into operable units. A list of the new operable units has been attached to this report.

- A Contingencies Satisfaction document outlining Lake County and Hemisphere's fulfillment of contingencies required to be performed as part of the Round 1 Clean Ohio Revitalization Fund (CORF) Grant for Parcels 1B1, 1B2 and 5B1 has been received by the Ohio Department of Development and Ohio EPA and is currently under review.

- An updated schedule for the completion of RI/FS activities at the Site received conditional approval by Ohio EPA on September 24, 2003. Revisions of that schedule were received by Ohio EPA on October 8, 2003 and are currently undergoing Agency review. A copy of this draft schedule has been attached to this report.

- Ohio EPA has requested that the Painesville PRP Group, Uniroyal and other signatories to the Director's Final Findings and Orders (DFFO) perform additional investigations to locate a former waste disposal pit historically utilized by Uniroyal. This waste disposal pit is located somewhere to the north of the former Dartron facility (Parcel 1C5). The Painesville PRP Group has stated that they will perform the investigation and Uniroyal has committed to assisting them.

- Ohio EPA is currently awaiting submittal of an interim action work plan and exemption request from Lake County and Hemisphere for remedial activities on the Round 1 CORF parcels. These documents will require approval prior to any environmental remediation work on the property.

- Ohio EPA is currently working with Lake Metroparks, U.S. EPA, U.S. Army Corps of Engineers, Hemisphere, and Hull and Associates on a potential wetland mitigation project which would be located on the northern part of Study Area 7, The wetland mitigation project would be funded by Richard Osborne, Sr. as part of an enforcement settlement with U.S. EPA.

- Ohio EPA and the Painesville PRP Group are currently working on the Feasibility Study for Parcel 7A1. It is anticipated that this parcel will be proposed for release by the end of 2003.
- The Ohio EPA's enforcement case against the signatories to the DFFO, for failure to comply with the DFFO, is ongoing. However, this issue is NOT holding up remediation progress at the Site.
- Ohio EPA staff and others are currently going through a series of depositions as part of court cases filed by a number of PRPs at the Site. It is anticipated that these depositions will extend into December 2003.
- Three (3) quarters worth of ground water levels have been collected by the Painesville PRP Group and submitted to Ohio EPA. The final quarter of sampling will occur in December 2003. This information will be used, in part, to determine the location of the ground water divide north of Fairport Nursery Road.