

Minutes Approved  
*as circulated*  
*April 17, 2023*

April 3, 2023  
Regular Council Meeting  
Elyria City Council

**1. CALL TO ORDER:**

The regular meeting of Elyria City Council was called to order on April 3, 2023 at 7:04 p.m. by President Pro Tem Mitchell. President Pro Tem Mitchell opened the meeting with a moment of reflection, followed by the Pledge of Allegiance led by Council member Davis.

**2. ROLL CALL: COUNCIL MEMBERS**

PRESENT: Callahan, Cerra, Corbin, Davis, Lipian, Oswald, Mitchell, Tollett, Simmons, Schneider

OTHERS PRESENT: Safety Service Director Lundy, Safety Service Director Williams, Asst. Safety Service Dir. Calvert, Finance Director Pileski, Asst. Fin. Dir. Farrel, Law Director Deery, Police Chief Pelko, Fire Chief Pronesti, Eng. McKillips, Superintendent Korzan, CD Manager Almobayyed

Mr. Cerra moved, Mr. Schneider seconded to approve the absence of President Stewart.  
MOTION CARRIED

**3. PUBLIC HEARINGS:** None

**4. APPROVAL OF MINUTES:**

Mr. Cerra moved, Mr. Schneider seconded to approve the Regular Meeting Minutes of the March 20, 2023 council meeting as circulated.  
MOTION CARRIED

**5. REMARKS AND REPORTS OF CITY OFFICIALS:**

**Mayor Whitfield:**

Mayor Whitfield shared that new officer promotions were held and a new auxiliary officer hired with the Elyria Police Department. The Neighborhood Alliance converted the old YMCA building into their neighborhood nutrition kitchen that will serve the purpose of feeding seniors throughout the county. Mayor Whitfield expressed his appreciation to city council for supporting the project, as city council was a grant funder that helped convert the space. Mayor Whitfield shared April 3<sup>rd</sup> was also the ribbon cutting ceremony for the old YMCA. Programming is being offered out of St. John's Lutheran Church as a child care center. Mayor Whitfield shared information on the Spruce Up Elyria program and thanked council member Oswald for his idea of the program. Residents can get assistance with their home repairs for painting, siding, driveways, sidewalks and other aesthetics to help beautify their property. Council member Cerra inquired about an issue 8 fundraiser. SSD Lundy announced an Issue 8 fundraiser will be held Tuesday April 18<sup>th</sup> from 4:30-6:30 p.m. at Smitty's for \$25 per ticket.

## **5. REMARKS AND REPORTS OF CITY OFFICIALS: CONTINUED**

### **Finance Director Pileski:**

Finance Director Pileski asked that the matter of creating a new special revenue fund be referred to finance committee to account for the receipt and subsequent expenditures of the opioid settlement monies. In addition, Finance Director Pileski asked that the matter of transferring twenty two thousand, eight hundred dollars and seven cents from the general fund to the newly created fund which was the distribution that was received from the settlement. Council member Oswald asked how will the opioid money be spent. Finance Director Pileski responded, there are some restrictions and the dollars are distributed over an eighteen year period, however money can be used for law enforcement and Elyria Municipal Court has requested money for recovery court.

### **Law Director Deery:** No report

### **Safety Service Director Lundy:**

SSD Lundy shared that the past two weeks crews have been responding to wind damage. Two pine trees were uprooted in the square. He provided an update regarding down trees and power lines throughout the city that safety forces have had to respond to. Ohio Edison and first Energy representatives have been very helpful and easy to work with. Sanitation crews have been out with the chipper truck picking up branches and brush caused by high winds. SSD Lundy shared that he attended a town hall public meeting regarding the Republic Steel Quarry on Saturday April 1<sup>st</sup>, along with Superintendent Korzan. The EPA report has been posted online. He expressed that as the topic is in continued discussion, it is important to focus on the facts. The EPA report reflects that the current site remedy is protective of the public health and environment. SSD Lundy shared an email recognizing the professional work of employee Dustin Price from the water distribution department. SSD Lundy read an email from resident Robin Price and commended Dustin Price as one of the dedicated employees with the city of Elyria. Council member Oswald shared that after the wind storms, he noticed damage on buildings throughout the city in the area of Planet Fitness and U-Haul. The concern he shared, is the product that appears to be a stucco material, that blew off of the roof. Council member Oswald would like to propose the building owners have a maintenance accountability checklist that helps to keep track of building maintenance, as a proactive approach to building maintenance.

### **Safety Service Director Williams:** No report

### **Asst. Safety Service Director Calvert:**

ASSD Calvert provided an update regarding the Spruce Up Elyria project. She stated that it has set a record for popularity as the community development department has handed out ninety applications in the week that the project has been open. Twelve completed applications have been received. ASSD Calvert gave a tremendous shout out to everyone in community development for the time spent answering questions, assisting with eligibility and walking through the application process. She encouraged all residents to apply as quickly as possible.

## **5. REMARKS AND REPORTS OF CITY OFFICIALS: CONTINUED**

### **Police Chief Pelko:**

Chief Pelko provided an update on the promotions that were held in council chambers earlier in the day. Sergeant Tom Wade promoted to Lieutenant as well as Sergeant Brandon Poole was promoted to Lieutenant. Lt. Wade will run day shift patrol and Lt. Poole will run afternoon patrol. James Wise was promoted to Sergeant in the detective bureau and Adam Garvin to Sergeant on the afternoon shift. Dana Linden has been rehired with Elyria Police Department part-time to assist with marketing, recruiting and retention. Lt. Lantz will be attending Ohio State Patrol Leadership School for the next three months. Chief Pelko expressed his appreciation as well to his officers regarding their assistance over the past couple of weeks with the windstorms. He expressed Scott Hennigan from forestry had been remarkable for the police department any time he had to be called upon for issues with trees. Council member Oswald spoke about a meeting he had with Chief Pelko regarding a monthly speed report that is reviewed. The report reflected in one area 4500 cars in one month that were over the speed limit. If the city of Elyria were actually writing speeding tickets, the profits could be high. Chief Pelko explained that EPD does write tickets, the amount of traffic citations for 2022 was 3,300. However charges for citations are under state code, if the chargers were under city code, the amount would be higher. Chief Pelko reached out to Clerk of Courts, Mr. Rothgery and the city could have made \$120,000 last year if the citations had been charged under the city code amount. Chief Pelko is looking into the code adjustment as well as building out the traffic citation system in the computer to incorporate city code. Council member Tollett asked if Chief Pelko could talk briefly about the distracted driver law that goes into effect April 3<sup>rd</sup>. Chief Pelko explained, drivers are no longer allowed to use cell phones in vehicles unless they are being used through bluetooth or wireless feature. Phone use must be hands free. The first six months, warnings will be issued, however after that, a citation can be issued. If police witness phone usage, they can pull drivers over. It is no longer a secondary offense. Council member Lipian asked for confirmation of exception to the new law regarding wether drivers were at a stop light or stop sign. Chief Pelko confirmed, there are exceptions, if phone use is an emergency, required for your occupation, or if you are stopped.

### **Fire Chief Pronesti:**

Chief Pronesti explained that he wanted to echo Chief Pelko in regard to the forestry department. He stated the forestry department did an absolute outstanding job over the last two weeks during the windstorms. He shared that over twenty to twenty-five calls were ran in a four to five hour time span. Chief Pronesti explained the fire department had a difficult rescue in Cascade Park. He encouraged residents to enjoy the beautiful nature of the park, but please stay on the trail. Council member Lipian thanked the Chief and fire staff for saving lives and for all the things the fire department does in the community that is so crucial and so important.

### **Engineer McKillips:** No report

Council member Lipian inquired about the sidewalk program that passed in 2022 and asked for an update. Engineer McKillips explained that there is a waiting list of twelve residents that are signed up for the sidewalk program. The engineering department had been waiting on the start of

**5. REMARKS AND REPORTS OF CITY OFFICIALS: CONTINUED**

the Spruce Up Elyria program because some of the residents that signed up for the sidewalk program live within the qualifying area of the Spruce Up Elyria program. She explained they wanted to allow those residents to sign up first. She would encourage the residents to apply through Spruce Up Elyria as opposed to an assessment-based program, which is what the sidewalk program is. Engineering is taking names and addresses for sidewalk replacement.

**WWPC Superintendent Korzan:**

Superintendent Korzan shared the UCPA provides the City of Elyria with the sixth five-year report on the quarry site.- EXHIBIT "A" attached and posted to the cityofelyria.org Superintendent Korzan shared that he and SSD Lundy attended a town hall on Saturday April 1, 2023 at Unity Baptist Church regarding a discussion on the quarry. An overview of what he shared at the town hall has been provided. - EXHIBIT "A" attached. Superintendent Korzan made a referral from the floor: to refer the matter of discussion only security issues at the quarry site.

**CD Manager Almabayyed:** No report

**6. PRESIDENT'S REFERRALS AND REMONSTRANCES:**

1. The matter of additional discussion of department responsibility of deer issues.( For discussion only)

**REFERRED BY:** COUNCIL MEMBER OSWALD- WARD 4

**REFERRED TO:** COMMUNITY DEVELOPMENT

2. The matter of entering into an annexation agreement with Carlisle Township for approximately 6 acres of property.

**REFERRED BY:** ASST. LAW DIRECTOR BREUNIG

**REFERRED TO:** COMMUNITY DEVELOPMENT

3. The matter of a conditional use permit for Step By Step We Grow, located at 431 Longfellow St. Elyria.

**REFERRED BY:** JENISE DEAN

**REFERRED TO:** COMMUNITY DEVELOPMENT/PLANNING COMMISSION

4. The matter of issuing short-term bond anticipation notes (Chestnut Commons Connector Road-\$5,200,000, Fire Dept. Pumper Truck- \$330,000 and Side-Loading Garbage Truck-\$300,000).

**REFERRED BY:** FINANCE DIR. PILESKI

**REFERRED TO:** FINANCE

**6. PRESIDENT'S REFERRALS AND REMONSTRANCES: CONTINUED**

5. The matter of a 2023 funding contribution to the Elyria Community Partnership in the amount of \$100,000.

**REFERRED BY: ASSD CALVERT**

**REFERRED TO: FINANCE**

6. The matter of applying for and accepting if offered a COPS Hiring Program grant through the U.S. Department of Justice.

**REFERRED BY: POLICE CHIEF PELKO**

**REFERRED TO: FINANCE**

7. The matter of increasing Building Inspector/ Plumbing Electrical range with the Steps C \$30.9644, B \$33.2623, A \$35.3033

**REFERRED BY: HR DIR. YOUSEFI**

**REFERRED TO: FINANCE**

8. The matter of authorizing the Mayor to enter into Change Order No. 1 with Extreme Excavating, LLC for the 2022-23 Sanitary and Storm Sewer repairs.

**REFERRED BY: ENG. MCKILLIPS**

**REFERRED TO: FINANCE/ UTILITIES**

9. The matter of a resolution approving the participation in the ODOT Road Salt Contract for 2023.

**REFERRED BY: SSD LUNDY**

**REFERRED TO: FINANCE/ UTILITIES**

**10- Received and Placed on file in the clerk's office:**

10. Copy of the Elyria Parks & Recreation Board Minutes from February 9, 2023

**7. PETITIONS--LOBBY:**

**Jessie Hill 504 Wayne St., Elyria-** Street, Gas Station, Grocery Store - Mr. Hill expressed concerns he felt has been going on in the fifth ward for decades. He stated that the fifth ward is one of the largest wards in the city and one of the largest supporters of new and renewal levies. He shared his belief that his ward has been neglected. He posed the question of what would happen with no grocery store on the south side of town for residents without transportation that walk to the current grocery store. Mr. Hill expressed that he had a budget in front of him that reflected the fifth ward number five on the list of seven for street repairs. Chair Mitchell explained the amount of funds for streets are evenly distributed, the utilities committee meeting is scheduled for Wednesday April 12<sup>th</sup> to finalize streets list.

Council member Davis moved to extend the lobby time for Mr. Hill, Council member Simmons seconded, motion carried to extend lobby time. February 9<sup>th</sup>, Wayne Street was patched over, within the last few weeks, it was patched over again. Mr. Hill stated more work should be done

**7. PETITIONS--LOBBY: CONTINUED**

opposed to constantly patching the street. His last concern expressed, was not having a cover over the roof at the gas station on Middle Ave.

**Carol Hobert 440 Olivet Dr., Elyria- Exhibit "A" Attached**

**Evan Petrisko 38965 Chestnut Ridge Road, Elyria- Exhibit "A" Attached**

**8. PETITIONS--COUNCIL MEMBERS:**

**Council member Corbin- Ward III- Finance Meeting-** Council member Corbin expressed that he was unable to attend the last finance committee meeting, however that he viewed the meeting on YouTube. He stated that he is in support of the needs of police and fire because he believes in the benefits to the city. Council member Corbin, expressed concern with former Safety Service director, Mary Siwierka stating in previous comments that she was a normal citizen and not the fire chief's sister. Chair Mitchell intervened to state that bashing Mrs. Siwierka was not fair.

**9. REPORTS OF STANDING AND SPECIAL COMMITTEES:**

**Sponsored by:**  
**Community**  
**Development**  
T. Callahan  
A. Lipian  
C. Schneider  
D. Mitchell  
K. Oswald

**COMMITTEE REPORT NO. 2023-2**  
**WE HAVE CONSIDERED THE MATTER OF A LIQUOR**  
**LICENSE REQUEST BY CARTER MANAGEMENT CORP.,**  
**LOCATED AT 801 FOSTER AVE., ELYRIA AND THE CITY OF**  
**ELYRIA DOES REQUEST A HEARING.**

Callahan moved, Schneider seconded to pass this committee report on its first reading.

**PASSAGE**  
**AYE: 10**  
**NAY: 0**  
**ABSENT: 1**

**10. RESOLUTIONS--FIRST READING:**

**Sponsored by:**

**Community  
Development**

T. Callahan

A. Lipian

C. Schneider

D. Mitchell

K. Oswald

**Finance**

P. Tollett

B. Davis

C. Schneider

V. Stewart III

J. Cerra

**RESOLUTION NO. 2023-11**

**A RESOLUTION ADOPTING THE REPORT OF THE ELYRIA  
ECONOMIC DEVELOPMENT COMMITTEE.**

Callahan moved, Tollett seconded to pass this resolution on its first reading under suspension of the rules.

**SUSPENSION**

**AYE: 10**

**NAY: 0**

**ABSENT: 1**

**PASSAGE**

**AYE: 10**

**NAY: 0**

**ABSENT: 1**

**11. RESOLUTIONS--SECOND READING: None**

**12. RESOLUTIONS--THIRD READING: None**

**13. ORDINANCES--FIRST READINGS:**

**Sponsored by:**

**Community  
Development**

A. Lipian

K. Oswald

**ORDINANCE NO. 2023**

**AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT  
PURSUANT TO CHAPTER 1135 OF THE CODIFIED  
ORDINANCE OF THE CITY OF ELYRIA, OHIO TO NITA  
STEVENS FOR TYPE 'A' IN- HOME CHILD CARE, AT REAL  
PROPERTY LOCATED AT 836 SANDALWOOD DRIVE,  
ELYRIA, OHIO.**

***First Reading***

**13. ORDINANCES--FIRST READINGS: CONTINUED**

**Sponsored by:**

**Finance**

- V. Stewart III
- P. Tollett
- B. Davis
- C. Schneider
- J. Cerra

**ORDINANCE NO. 2023-40**

AN ORDINANCE AMENDING ORDINANCE NO. 2023-34, KNOWN AS THE "2023 PERMANENT APPROPRIATIONS ORDINANCE," TO CHANGE FUNDS IN VARIOUS ACCOUNTS.

Tollett moved, Davis seconded to pass this ordinance on its first reading under suspension of the rules, and declaring an emergency.

**SUSPENSION**

AYE: 10

NAY: 0

ABSENT: 1

**MOTION CARRIED**

**PASSAGE**

AYE: 10

NAY: 0

ABSENT: 1

**MOTION CARRIED**

**Sponsored by:**

**Finance**

- V. Stewart III
- P. Tollett
- B. Davis
- C. Schneider
- J. Cerra

**ORDINANCE NO. 2023-41**

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT TO PURCHASE A NEW SUTPHEN SPH 100 AERIAL PLATFORM FIRE TRUCK, FOR THE FIRE DEPARTMENT, THROUGH THE STATE PURCHASING PROGRAM OR EQUIVALENT PROGRAM, AND DECLARING AN EMERGENCY.

Council member Lipian asked a question about the ladder and water capabilities of the new truck. Chief Pronesti explained the truck carries a full complement of ground ladders that reach second story colonials. Chief Pronesti expressed the need of a reserve apparatus for the city. He explained that since 1906, the Elyria Fire department has only had five ladder trucks. During the time it takes the new truck to be delivered, the current truck will be twenty years old. Chief Pronesti stated that he would propose an apparatus replacement program to be implemented with the hopes of eliminating the request of a new truck on an emergency basis. Council member Lipian inquired about results of the McGrath study. Chief Pronesti shared the McGrath study is outdated and he is looking into the International Association of Firefighters GIS study that takes a look at fire station locations, apparatus, EMS, etc. His hope is to gain a perspective from management and a private company. Mayor Whitfield made a statement regarding the concern with the potential conflict of interest statement made earlier regarding Mrs. Siweirka running for council. He stated that he trust Chief Pronesti's judgement and he trust his expertise and that it comes from a place of passion and that it's not tainted. He stated that he believed there should be a plan. Pro Tem Chair Mitchell, expressed a similar statement in that she fully trusts Chief Pronesti and has worked with Mrs. Siweirka and no preferential treatment was shown to the fire department, she was fair. Chief Pronesti addressed Council member Corbin and expressed that his desire was to be a fire fighter since the age of three. He asked that if Council member Corbin has any issues, that he seek questions with the firemen that work for him and raised him. Elyria



**13. ORDINANCES--FIRST READINGS: CONTINUED**

firemen have always been his heros. Chief Pronesti stated that “ Mary is my sister, and I love her, but I’ve earned my trumpets on my own accord. With my own studying and with my own work ethic.”

Tollett moved, Schneider seconded to pass this ordinance on its first reading under suspension of the rules.

<b>SUSPENSION</b>	<b>PASSAGE</b>	<b>EMERGENCY</b>
AYE: 10	AYE: 10	AYE: 10
NAY: 0	NAY: 0	NAY: 0
ABSENT: 1	ABSENT: 1	ABSENT: 1
<b>MOTION CARRIED</b>	<b>MOTION CARRIED</b>	<b>MOTION CARRIED</b>

**Sponsored by:**

**Finance**

- V. Stewart III
- P. Tollett
- C. Schneider
- J. Cerra

**ORDINANCE NO. 2023-42**

**AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT TO PURCHASE RADIO EQUIPMENT FOR THE FIRE DEPARTMENT, THROUGH THE STATE PURCHASING PROGRAM OR EQUIVALENT PROGRAM, AND DECLARING AN EMERGENCY.**

Tollett moved, Davis seconded to pass this ordinance on its first reading under suspension of the rules.

<b>SUSPENSION</b>	<b>PASSAGE</b>	<b>EMERGENCY</b>
AYE: 10	AYE: 10	AYE: 10
NAY: 0	NAY: 0	NAY: 0
ABSENT: 1	ABSENT: 1	ABSENT: 1
<b>MOTION CARRIED</b>	<b>MOTION CARRIED</b>	<b>MOTION CARRIED</b>

**15. ORDINANCES--THIRD READING: None**

**16. COMMITTEE CALLS:**

**COMMUNITY DEVELOPMENT 4/10/2023 6:00 P.M. All Referred Items Council Chambers w/Law Director, SSD, Engineer, Bldg. Insp.**

**JOINT CD/FINANCE 4/10/2023 Following CD All Referred Items Council Chambers w/Law Director, SSD, Engineer, Bldg. Insp.**

**FINANCE 4/10/2023 Following Joint All Referred Items Council Chambers w/Mayor, Auditor, Law Director, SSD, Engineer**

**UTILITIES, SAFETY & ENVIRONMENT 4/12/2023 6:00 P.M. All Referred Items Council Chambers w/SSD, Law Director, Engineer**

**STRATEGIC PLANNING 4/17/2023 Immediately following Council Meeting All Referred Items Council Chambers W/ Mayor, Safety Service Director, Auditor, Solicitor, Engineer**

**17. MISCELLANEOUS AND UNFINISHED BUSINESS:**

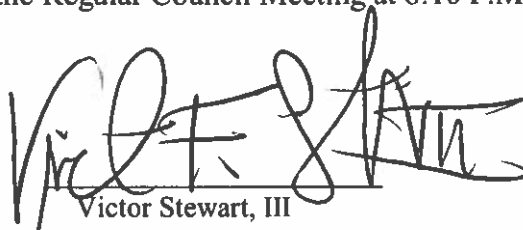
Council member Lipian shared that April is Sexual Assault Prevention month, please wear teal. Council member Davis stated that the ISSUE 8 basketball game was fun and please vote on May 2<sup>nd</sup>, 2023.

**18. ADJOURNMENT:**

Cerra moved, Schneider seconded to adjourn the Regular Council Meeting at 8:10 P.M.  
MOTION CARRIED



Michael J. Lotko, III  
Clerk of Council



Victor Stewart, III  
President of Council

RLP/

EXHIBIT "A"

## ARPA money

The city of Elyria is lucky to have the ARPA money. This is not just a once in a lifetime wind fall. The police and fire depts. need to be the first consideration. We need to make sure they have the equipment and man power to keep our city safe. There are other departments that keep the city running that also need the funding we must be careful and everyone needs to remember we lost Bendix. We don't have the tax base we had years ago please take care of needs first then the rest can be used for wants

CAROL Hubert



EXHIBIT "A"

Hello. my name is Evan Petrisko. My phone number is 440-281-9336  
My address is: 38965 Chestnut Ridge Road. Please let me know if you need  
anything else, this is my first time writing one, but I felt the need to. Please  
Have this read at the April 3 Council Meeting under public comment.

*Evan Petrisko*  
**Finance Committee Made Haste and Waste over Fire Truck**

-----  
During the recent Elyria Finance Committee meeting, Mayor Whitfield made a  
reasonable, middle-ground approach over the need for a new Fire Apparatus: we  
can do a down-payment, setting everything else up on a payment plan.

Finance Director Pileski and others wrote it off like it was all or nothing. We either  
pay it in cash, or we bond it out? Those weren't our only options. Very few things  
are black and white -- there's grey. The Mayor was advocating for grey: two  
weeks to come back with a better approach. Also, he offered to take accountability  
if prices went up -- I say let him. Plus, it's unlikely prices will be drastically altered  
in two weeks.

It is hypocritical, and frankly nonsensical, for the Finance Committee to fear  
uncertainty in prices over two weeks, but be brave with the uncertainty of dumping  
1.7 million into a vehicle we won't see for three years. Would you go to Vegas and  
dump 1.7 million dollars into the first slot you lay eyes on just because you had it?  
Mary Swierka, who's running to be my councilwoman, advocated this very  
approach. "We have the dollars," she said. So we have the money, let's just burn  
it? Children do that. If the need was truly that dire, why wasn't Fire Chief Pronesti  
pushing for it? Swierka is Pronesti's sister. If she's looking out for her brother,  
wouldn't it be better to take the most reasonable approach? Like many, Swierka  
wants everything now -- but haste makes waste.



**EXHIBIT "A"**

**NEW EPA REPORT**

**QUARRY SITE**

**STATUS REMAINS:**

**"Currently protective of human health & the environment..."**

The Sixth 5-Year Report for Republic Steel Quarry Site has been released by the U.S. Environmental Protection Agency. The report is dated March 20, 2023. The City of Elyria is posting the report on the city's website [cityofelyria.org](http://cityofelyria.org).

"Since the EPA issued its last report that the site is protective of human health and the environment, their position hasn't changed. We have conducted an evaluation of sediment and surface water and have determined no potential risks to the quarry. The EPA agrees with our conclusion," stated City Engineer Kathy McKillips.

The EPA did recommend that the city update its "Operation and Maintenance Plan" for the site. The last plan was completed in 2018. The city will do so in the next couple of months. The agency also recommended improvements to site access controls and security.

"We've had trespassers cutting locked chains on fences and cutting holes through the fence. This cost the city over \$5,000 last year alone. We'll be investing over \$30,000 for security cameras and some new fencing," said Elyria Safety-Service Director Matt Lundy.

Questions can be directed to the Office of Safety-Service at 440-326-1416.

**###**





## Elyria residents express concerns over quarry at townhall

Carissa Woytach  
The Chronicle-Telegram  
Apr 03, 2023 6:00 AM

ELYRIA — Several Elyria residents expressed concerns about a former Republic Steel quarry at a town hall meeting Saturday afternoon.

Gathering at Unity Baptist Church on Fuller Road, resident Tiffani Reedy, and City Council 5th Ward Democratic candidate Brenda Warren moderated a discussion on the former quarry still under the U.S. Environmental Protection Agency's watch.

The 15th Street site is a former EPA Superfund site and has been under observation since the 1980s. The city purchased the site from Republic Steel in 1977, after the company discharged approximately 200,000 gallons of waste into the area on a daily basis over a 25-year period, according to previous reporting.

Reedy pointed to two carcinogenic chemicals she said are above what the EPA considers normal.

The 2023 EPA report stated sediment samples showed benzo(a)pyrene was detected in all samples above the regional screening levels. Chromium, a heavy metal and the other chemical Reedy referenced was found to be above acceptable levels.

According to the report, soil, water and sediment samples were taken from the quarry in 2018. Only the sediment — at the bottom of the 60-foot quarry — was found to still have hazardous materials.

"These chemicals, children are extremely more sensitive to these chemicals," Reedy said, noting they can cause birth defects, kidney and liver damage, developmental delays, lung cancer, asthma, sterilization and an increased death rate.

Despite signage and fencing around the site, kids have still gone swimming in the quarry, raising Reedy and others concerns to what they may have been exposed to.

Algie Nelson, a Marine Corps. veteran stationed at Camp LeJeune in the 1980s, said he was exposed to benzene there and still suffers health impacts from the contaminated water.

Looking at the quarry in the same way, he alleged everyone is affected, not just the south side and something needs to be done.

Elyria Wastewater Pollution Control Superintendent Terry Korzan said he's spent a lot of time researching the quarry, and said the EPA started its cleanup efforts in 1990 and considered it remediated in 1993.

In 1993, the EPA noted there were still contaminated sediments in the bottom 30 to 60 feet of the quarry, but trying to remediate it further would be expensive and risk contamination to areas outside the quarry.

The EPA has held that belief since then, he said, and it's something he agreed with Saturday.

In the early 2000s. the city fenced in the property, and that fence and signage has remained, he said. The city continues to try to remedy security issues with the site, but said those going in the quarry are trespassing into an EPA hazard site and have no regard for their health or well-being.

He noted when the EPA report talks about sediment and contamination therein, it is sediment at the bottom of the quarry.

He added the Black River has been tested multiple times and have not found it to be contaminated from the quarry.

On Sunday, Korzan further stressed the contamination is in the sediment, but the top 30-feet of water is considered OK by the EPA, and the organization has proven that any water moving through the quarry when it rains does not contain any contaminants.

He said the water in the bottom half of the quarry is very cold and doesn't mix with the warmer water, and the water pressure keeps those contaminated sediments at the bottom of the site. The water in the quarry also doesn't get churned up because the quarry itself is so deep.

He also said nothing on the site can become airborne, as all the contaminated soil was removed by the EPA in the early 1990s.

During Saturday's town hall, the Rev. Carlton Winfrey said he went to the site with his grandson and questioned why the signs denoting it as dangerous weren't bigger, brighter, or lighted in some way.

Reedy, who recently founded the Lorain County Environment Group, and Warren are circulating petitions related to the cleanup of the quarry.

On Sunday, Korzan said he plans to discuss further site security plans with City Council, and residents. The city is required to submit a security solution to the EPA by December 2024, but those plans are already in the works, he said.

He plans to give a report at City Council on Monday about the site and the EPA's five-year report.

“The city’s tried to secure that site since 1993 when it was cleaned up and turned over to the city, but I think it’s going to take a community to help secure that site,” he said Sunday.

*This story has been updated to include additional information from Elyria Wastewater Pollution Control Superintendent Terry Korzan.*

*Contact Carissa Woytach at (440) 329-7245 or [cwoytach@chroniclet.com](mailto:cwoytach@chroniclet.com).*

# REPUBLIC STEEL CORP. QUARRY ELYRIA, OH

## Cleanup Activities

### On this page:

- [Background](#)
- [What Has Been Done to Clean Up the Site?](#)
- [What Is the Current Site Status?](#)
- [Activity and Use Limitations](#)

### On related pages:

- [Operable Units](#)
- [Cleanup Progress](#)

## Background

The Republic Steel Corp. Quarry (RSQ) site is located near the Black River in Elyria, Ohio. It consists of a 5-acre quarry containing water and 7 acres of fenced land surrounding the quarry. From 1950 to 1975, the Republic Steel Corporation discharged about 200,000 gallons per day of waste pickle liquor and rinse water, consisting of sulfuric acid and dissolved metal oxides, into the quarry via a ditch. Sampling later found groundwater beneath the site was contaminated with heavy metals. In 1977, Republic Steel sold the quarry and surrounding land to the City of Elyria. EPA placed the site on its Superfund program National Priorities List (NPL) of hazardous waste sites in June 1986.

## What Has Been Done to Clean Up the Site?

U.S. EPA's cleanup at the site consisted of removing contaminated soil and sediment (mud), monitoring groundwater and performing a fish study to determine health risks. As a result of a five-year review completed at the site in 1998 to verify the protectiveness of the remedy, the cleanup was expanded to include groundwater monitoring, fixing and inspecting the site fence, posting signs, and limiting the use of and access to the site.

## What Is the Current Site Status?

EPA deleted the site from the NPL on September 12, 2002 but continues to perform five-year reviews of the site's remedy. These reviews ensure that the remedies put in place protect public health and the environment, and function as intended by site decision documents.

EPA completed the [sixth five-year review \(PDF\)](#) (26 pp, 1.28 MB) of the site on March 20, 2023. The review concluded that the remedy at the site continues to be protective of human health and the environment. However, for the remedy to be effective in the long-term, the following actions need to be performed:

- develop and implement an Operation & Maintenance (O&M) Plan
- develop long-term stewardship procedures as part of the O&M Plan
- maintain the Site access controls and security
- the City of Elyria should actively pursue enforcement of the Declaration of Restrictions under the City Ordinance as needed, and
- EPA should conduct a Five-Year Review on-site inspection and document the results The next scheduled five-year review will be in 2028. .

## Activity and Use Limitations

At this site, activity and use limitations that EPA calls institutional controls are in place. Institutional controls play an important role in site remedies because they reduce exposure to contamination by limiting land or resource use. They also guide human behavior. For instance, zoning restrictions prevent land uses – such as residential uses – that are not consistent with the level of cleanup.

For more background, see [Institutional Controls](#).

The city of Elyria cooperated with EPA's request to incorporate specific and enforceable land-use restrictions for the site into its municipal code. In July 2002, Elyria passed a Declaration of Restrictions, authorized by city ordinance number 2002-119. The restrictions provide greater site security and prohibit the commercial and residential use of the property, use of the groundwater for potable water, and use of the quarry for swimming or fishing. The restrictions also require that the Elyria municipal water supply be the sole drinking water supply.

MARCH 24, 2023

EXHIBIT "A"

**REPUBLIC STEEL QUARRY**

**HISTORY**

1. US EPA established by Congress – 1970
2. CWA promulgated as the Federal Water Pollution Control Act – 1972
3. US EPA published the general industrial pretreatment regulations in 1978; became effective 1981
4. COE purchased Republic Steel quarry in 1977 for use as future park land
5. Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) promulgated in December 1980
6. In 1981, Republic Steel reported their activities at the quarry to US EPA as a requirement of CERCLA
7. In 1983, US EPA performed a site assessment at the quarry; discovered the extent of the contamination
8. In 1986, US EPA placed quarry site on the National Priorities List (NPL)
9. In 1990, cleanup efforts conducted by US EPA under the Superfund program
10. Cleanup/remediation completed in 1993; Decision by US EPA to leave contaminated sediments at the bottom of the quarry and the contaminated water in the 30- to 60-foot-deep zone; any additional remediation would have been extremely cost-prohibitive and would have resulted in major contamination issues for the site and surrounding area, if performed; site was to be left alone with no future uses
11. 1993 – US EPA declared site to be protective of public health and the environment, so long as it remained unused; This has been the belief of US EPA and the City of Elyria since that date

12. City ordered to fence the property and post warning signs; completed
13. 1999 – City passes Emergency Resolution of Intent to prohibit use of the property.
14. June 2002 – City enters into agreement with US EPA to place Institutional Controls (Use restrictions and other actions) on the property (Ordinance 2002-119)
15. November 2002, US EPA delists the quarry site from the NPL; establishes the need for 5-year follow-up assessments of the site
16. March 2023 – In its 6<sup>th</sup> Five-Year Review (5YR) Report for the site, US EPA, based on all previous and current site assessments and sampling events (most recent sediment and surface water sampling event in 2020), still agrees that the quarry site is protective of public health and the environment; asks the City to update its current Operations & Maintenance Plan (dated 2018) to include long-term stewardship procedures by December 31, 2023, and to address security issues at the site by December 31, 2024; City projects to submit updated O&M Plan with LTS by June/July 2023 (will be posted to the City's website); City continues to work on remedies for security issues at the site



## **PERPETRATORS/VIOLATORS**

Let's focus for a minute or two on the perpetrators/violators:

1. They have no absolutely regard for the law
2. They have absolutely no regard for the fact that they are trespassing, and onto an **EPA HAZARD SITE**
3. They have absolutely no regard for the fact that they are destroying private property by continually cutting holes in the fencing – even rolling back entire sections of fence – and cutting locks on City Only access gates
4. They deface and tear down signs almost as fast as they are posted
5. They have absolutely no regard for their own health and well-being, nor do they have any regard for the health and well-being of others who they take there (by cajoling, coercion, or other tactics)

## **CITY ACTIONS – PROPOSED**

1. Repair fencing
2. Re-post signs
3. Post additional types of warning signs on the fencing
4. Post additional Combined Sewer Overflow Notification signs and No Swimming in the Black River ordinance signs on Riverside Drive
5. Clear additional trees and brush on the quarry side of the river – better visibility of trespassers
6. Ask residents on Riverside Drive to notify EPD when they see or hear trespassers on the quarry site
7. Install camera system with feed to EPD
8. Possible use of drones to photograph/identify trespassers
9. Involve additional City personnel (Industrial Inspectors and others) to inspect fencing and signs, and to recon site when conditions are favorable for trespassers and report to EPD
10. Others – To be determined



**SIXTH FIVE-YEAR REVIEW REPORT FOR  
REPUBLIC STEEL CORP. QUARRY SUPERFUND SITE  
LORAIN COUNTY, OHIO**



**Prepared by**

**U.S. Environmental Protection Agency  
Region 5  
Chicago, Illinois**

3/20/2023

X  for

---

Douglas Ballotti, Director  
Superfund & Emergency Management Division  
Signed by: Environmental Protection Agency

## Table of Contents

LIST OF ABBREVIATIONS & ACRONYMS .....	2
I. INTRODUCTION .....	3
FIVE-YEAR REVIEW SUMMARY FORM .....	4
II. RESPONSE ACTION SUMMARY .....	4
Basis for Taking Action .....	4
Response Actions .....	6
Status of Implementation .....	7
Institutional Controls .....	9
Systems Operations/Operation & Maintenance .....	11
III. PROGRESS SINCE THE LAST REVIEW .....	12
IV. FIVE-YEAR REVIEW PROCESS .....	14
Community Notification, Involvement & Site Interviews .....	14
Data Review .....	14
Site Inspection .....	15
V. TECHNICAL ASSESSMENT .....	16
QUESTION A: Is the remedy functioning as intended by the decision documents? .....	16
VI. ISSUES/RECOMMENDATIONS .....	17
OTHER FINDINGS .....	19
VII. PROTECTIVENESS STATEMENT .....	19
VIII. NEXT REVIEW .....	19
APPENDIX A – REFERENCE LIST .....	20
APPENDIX B – ADDITIONAL SITE INFORMATION .....	21
APPENDIX C – FIGURES AND SITE PHOTOS .....	22
APPENDIX D – FYR NOTIFICATION .....	25

## LIST OF ABBREVIATIONS & ACRONYMS

CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
COC	Contaminant of Concern
cPAH	Carcinogenic Polynuclear Aromatic Hydrocarbon
EC	Environmental Covenant
EPA	United States Environmental Protection Agency
ESD	Explanation of Significant Differences
FYR	Five-Year Review
ICs	Institutional Controls
LTS	Long-Term Stewardship
NCP	National Oil and Hazardous Substances Pollution Contingency Plan
NPL	National Priorities List
Ohio EPA	Ohio Environmental Protection Agency
O&M	Operation and Maintenance
OMZM	Outside Mixing Zone Maximum
OU	Operable Unit
ppb	parts per billion
PRP	Potentially Responsible Party
RA	Remedial Action
RAO	Remedial Action Objectives
RI	Remedial Investigation
ROD	Record of Decision
RPM	Remedial Project Manager
SVOC	Semi-Volatile Organic Compound
Site	Republic Steel Corp. Quarry Superfund Site
SWRAU	Site-wide Ready for Anticipated Use
UECA	Uniform Environmental Covenants Act
UPUS	Unrestricted Potable Use Standard
UU/UE	Unlimited Use and Unrestricted Exposure
VAP	Voluntary Action Program
VOC	Volatile Organic Compound

## **I. INTRODUCTION**

The purpose of a Five-Year Review (FYR) is to evaluate the implementation and performance of a remedy in order to determine if the remedy is and will continue to be protective of human health and the environment. The methods, findings, and conclusions of reviews are documented in FYR reports such as this one. In addition, FYR reports identify issues found during the review, if any, and document recommendations to address them.

The United States Environmental Protection Agency (EPA) is preparing this FYR pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 121, consistent with the National Contingency Plan (NCP) (40 CFR Section 300.430(f)(4)(ii)) and considering EPA policy.

This is the sixth FYR for the Republic Steel Corp. Quarry Superfund Site (Site). The triggering action for this statutory review is the signature date of the fifth FYR, March 20, 2018. The FYR has been prepared due to the fact that hazardous substances, pollutants, or contaminants remain at the Site above levels that allow for unlimited use and unrestricted exposure (UU/UE).

The Site consists of one (1) Operable Unit (OU), which will be addressed in this FYR. The OU1 remedy addresses the soil, sediment, and groundwater.

The Site FYR was led by David Linnear, Remedial Project Manager (RPM) with EPA, in affiliation with the Ohio Environmental Protection Agency (Ohio EPA). Participants included Nicholas Roope (Ohio EPA) and Adrian Palomeque (EPA Community Involvement Coordinator). The City of Elyria, which is the potentially responsible party (PRP) was notified of the initiation of the FYR on April 18, 2022. The review began on April 18, 2022.

### **Site Background**

The Site is located in Elyria, Ohio, east of West River Road and west of the West Branch of the Black River. Elyria is located southwest of Cleveland in Lorain County in northeastern Ohio. The Site consists of a 4.9-acre water-filled quarry which is surrounded by 7.4 acres of densely vegetated land. A fence surrounds the Site's perimeter. The water depth of the quarry is approximately 60 feet and the sides of the quarry rise to about 25 feet above the water surface. The quarry walls are formed by Berea Sandstone at and below the quarry water level. Above the Berea Sandstone, the walls consist of large vertically stacked sandstone blocks which were used as retaining walls during quarrying operations. Water discharges from the quarry directly into the Black River via an open tributary outlet.

There are two hydraulic outlets in the quarry. The first is a concrete outlet-works and is equipped with a gate valve located along the east quarry wall where the elevation dips to about 704 feet above mean sea level. Water is usually draining from the outlet and discharges into the river, but the gate valve can no longer be adjusted. The second is a four-inch diameter steel pipe located at the southeasternmost corner of the quarry extending down into the water and is no longer operational. These hydraulic outlets do not pose any impact to the Site or offsite receptors. This pipe is believed to have been used for withdrawing water from the quarry to the Republic Steel plant rather than being used to discharge the pickle liquor wastes.

The groundwater flows from southwest to northeast. The water table contours suggest the quarry area is a partial groundwater sink from which discharge is uniformly directed toward the river. The topography

of the area is flat to gently rolling, except for the valleys eroded by the Black River. The West Branch of the Black River is located along the eastern boundary of the Site and at one time was used as an overflow relief for the quarry during seasonal flooding periods. The river flows directly north from Elyria into the City of Lorain, where it discharges into Lake Erie. Currently, there are no plans to develop the Site and it is anticipated the Site will remain vacant for the foreseeable future. Appendix B contains additional background information about the Site.

**FIVE-YEAR REVIEW SUMMARY FORM**

SITE IDENTIFICATION		
<b>Site Name:</b> Republic Steel Corp. Quarry		
<b>EPA ID:</b> OHD980903447		
<b>Region:</b> 5	<b>State:</b> OH	<b>City/County:</b> Elyria / Lorain County
SITE STATUS		
<b>NPL Status:</b> Deleted		
<b>Multiple OUs?</b> No	<b>Has the site achieved construction completion?</b> Yes	
REVIEW STATUS		
<b>Lead agency:</b> EPA <i>[If "Other Federal Agency", enter Agency name]:</i>		
<b>Author name (Federal or State Project Manager):</b> David Linnear		
<b>Author affiliation:</b> U.S. EPA		
<b>Review period:</b> 4/18/2022 - 12/13/2022		
<b>Date of site inspection:</b> 11/23/2021		
<b>Type of review:</b> Statutory		
<b>Review number:</b> 6		
<b>Triggering action date:</b> 3/20/2018		
<b>Due date (five years after triggering action date):</b> 3/20/2023		

**II. RESPONSE ACTION SUMMARY**

**Basis for Taking Action**

The remedial investigation (RI) (U.S. EPA, 1988) results indicated all contamination caused by the Republic Steel disposal practices were limited to quarry sediments, the pickle liquor discharge ditch, and several soil locations around the quarry’s edge. Contaminated sediments were confined to the quarry bottom and were not readily accessible to humans, except via the fish consumption pathway.

The Site had unacceptable risk to human health and the environment due to potential exposure to volatile organic chemicals (VOCs), semi-volatile organic chemicals (SVOCs), heavy metals, carcinogenic polynuclear aromatic hydrocarbons (cPAHs), and polynuclear aromatic hydrocarbons (PAHs). Site contaminants of concern (COCs) identified in the 1988 Record of Decision (ROD) (U.S. EPA, 1988) were SVOCs in the groundwater and surface water and VOCs, SVOCs, PAHs, and heavy metals in the surface soil and sediment in the quarry. The COCs identified for all media types for the Site is presented in Table 1 below.

**Table 1: COCs for the Site by Media Type**

<p><b>Soil:</b>            2-Butanone            Chromium            Copper            Manganese            Mercury            Methylene Chloride            Acetone            Bis(2-ethylhexyl)phthalate            Di-n-butylphthalate            Di-n-octylphthalate            Calcium            Iron            Nickel            Cadmium  <i>Non-carcinogenic PAHs:</i>            Fluoranthene            Pyrene            Phenanthrene            Anthracene            Benzo(g,h,i)perylene  <i>Carcinogenic PAHs:</i>            Benzo(a)anthracene            Chrysene            Benzo(b)fluoranthene            Benzo(k)fluoranthene            Benzo(a)pyrene            Indeno(1,2,3-cd) pyrene            Dibenzo(a,h)anthracene</p> <p><b>Sediment:</b>            Acetone            2-Butanone            Copper            Ethylbenzene            Mercury            Methylene Chloride            Pentachlorophenol            Bis(2-ethylhexyl)phthalate            Butylbenzylphthalate            Diethylphthalate            Di-n-butylphthalate</p>	<p><b>Surface Water (metals):</b>            Barium            Calcium            Iron            Manganese            Nickel            Vanadium            Cadmium</p> <p><b>Groundwater:</b>            Aluminum            Barium            Benzoic Acid            Beryllium            Calcium            Chromium            Cobalt            Copper            Iron            Lead            Nickel            Pentachlorophenol            Phenol            Potassium            Silver            Vanadium            Zinc            Manganese            Sodium            Cadmium            Bis(2-ethylhexyl)phthalate            Di-n-butylphthalate</p>
---	--



Di-n-octylphthalate Tin Tetrachloroethene Toluene <i>Non-carcinogenic PAHs:</i> Fluoranthene Pyrene Phenanthrene Anthracene Benzo(g,h,i)perylene <i>Carcinogenic PAHs:</i> Benzo(b)fluoranthene Benzo(k)fluoranthene Benzo(a)pyrene Indeno(1,2,3-cd)pyrene Benzo(a)anthracene	
--	--

Primary risk pathways that formed the basis for taking action for future or current users at the Site were ingestion and dermal contact with Site soils and sediments, dermal contact and ingestion of groundwater and surface water, and ingestion of fish from the quarry. Cumulative carcinogenic risk posed by ingestion or contact with surface soil and sediment and fish consumption were determined to be scenarios of concern.

**Response Actions**

EPA issued a ROD on September 30, 1988, that included the following selected remedy components:

- Excavation of approximately 100 cubic yards of contaminated soil exceeding an Action Level of 300 ppb for total cPAHs that are located (1) in the ditch previously used to discharge pickle liquor to the quarry and (2) along the southern end of the quarry; and
- Disposing excavated soil according to RCRA regulations.

Because low levels of hazardous substances will remain on Site, the five-year review will apply to this action. Specific tasks recommended as part of this monitoring process are:

- Conducting a fish species survey and fish tissue bioassay to assure the absence of contaminants. The survey will identify fish species present in the quarry. Fish tissue samples will be collected from each species.
- Resampling groundwater to assure the concentrations of any contaminants are at acceptable risk levels.

The ROD also specified that a fish species survey, fish tissue bioassays, and groundwater sampling be conducted during a supplemental investigation to recalculate the risks using actual fish tissue data instead of modeled fish tissue values and more recent groundwater data. The Supplemental Investigation was completed in 1990 and discussed in *Status of Implementation* below.

Since groundwater was not used as a potable water supply, the ROD did not select a groundwater remedy component. The contaminated quarry sediments below the mixing zone were to be left in place inside the quarry because fish were not likely to come in contact with them.

While the ROD did not explicitly state the remedial action objectives (RAOs) to be attained by the remedy, the inferred objectives of the remedy are as follows:

- The selected action provides adequate protection of human health and the environment by preventing exposure and accidental ingestion of contaminated surface soils.
- Additionally, further U.S. EPA-conducted monitoring will assure that fish in the quarry and the downgradient groundwater do not pose a human health threat.

EPA issued an Explanation of Significant Differences (ESD) on September 28, 2001 (U.S. EPA, 2001), for institutional controls (ICs), a deed restriction, and access controls to prevent any Site and groundwater usage as discussed further in *Status of Implementation* below. Specifically, the ESD states:

The U.S. EPA has determined as per this ESD Document, that the following provisions should be incorporated into the institutional controls and deed restrictions for the Republic Steel Quarry Site:

1. Any future use of the Site must be restricted to heavy industrial use. This indicates that residential use of the property, as well as public access or recreational use of the quarry, its sediments and soil must be prohibited.
2. The use of groundwater as a source of drinking water must be prohibited and the use of the City of Elyria municipal water supply as the potable water source for any industrial or commercial development or public use must be required.
3. The City of Elyria must continue to post and maintain Site security and warning signs, as well as maintain the repair of the quarry perimeter fence. Further, the City must conduct sufficient inspections to ensure that any land use and access controls they may adopt in the future are complied with.

### **Status of Implementation**

The Remedial Action (RA) was implemented by EPA's Removal Program in two phases between September 21, 1989, and September 25, 1990. The first phase focused on resolving the risk issues concerning groundwater and fish tissue that were raised during the RI baseline risk assessment. This involved determining the requirements for the upcoming fish/biota species survey and fish tissue bioassays, and additional groundwater monitoring for the Supplemental Investigation. The second phase involved addressing the contaminated soil and sediments.

Due to time constraints, the collection and analysis of actual fish tissue samples during the RI was not possible. Instead, the fish tissue concentrations were estimated using a conservative sediment to fish tissue model that incorporated quarry sediment data collected during the RI. According to the modeled exposure conditions in the baseline risk assessment, fish consumed on a regular basis from the quarry posed an unacceptable noncarcinogenic risk to humans due to cPAHs and mercury. Further, the Ambient Water Quality Criteria (AWQC), which are used to define risk-based acceptable surface water concentrations for the protection of aquatic organisms, were exceeded for mercury, manganese and copper in the quarry water.

On February 17, 1989, two PRPs, LTV Steel and the City of Elyria, were sent special notice letters to pay for the removal of the contaminated soils. EPA performed the second phase of the RA addressing contaminated soil and sediments after the PRPs declined to perform the cleanup. In August 1989, the EPA Technical Assistance Team (TAT) delineated the extent of soil contamination. The projected excavation volume was 100 cubic yards. However, in February 1990, 150 cubic yards of soil were

removed from the boat launch area and pickle liquor discharge ditch. The excavated volume was greater than anticipated due to the fact that the topsoil was slightly thicker than expected; the weather was wet during the removal; and some contamination had been tracked onto the access roads and had to be removed.

Confirmatory sampling indicated that the cleanup objective, i.e. the total concentration for the four cPAHs present: (benzo(b)fluoranthene, benzo(k)fluoranthene, chrysene and benzo(a)anthracene), did not exceed 300 parts per billion (ppb) and that cleanup objectives had been achieved for the boat launch. However, the pickle liquor ditch was still contaminated above acceptable levels. An additional 40 cubic yards of soil were removed from the ditch in June 1990 to achieve the cleanup criterion.

The subsequent 1990 Supplemental Investigation risk recalculation found that the previous assumptions made during the modeling of mercury and cPAHs concentrations in fish tissue, in lieu of actual data, were too conservative and unreliable. The recalculated maximum carcinogenic and noncarcinogenic risks to humans from consumption of fish tissue, based on fish tissue data obtained during the Supplemental Investigation, were found to fall within the acceptable risk range. Because the risk recalculations confirmed that no unacceptable risks were posed to humans consuming fish from either the quarry or the Black River, the Ohio Department of Health did not issue a fish advisory and no additional cleanup action was deemed necessary at the Site.

Additional groundwater monitoring was performed because beryllium and bis(2-ethylhexyl) phthalate had been reassigned higher cancer potency factors by EPA after completion of the RI baseline risk assessment. During the 1990 Supplemental Investigation, the risks from groundwater were recalculated for the semivolatile and inorganic contaminants previously identified in the RI. The carcinogenic and noncarcinogenic groundwater risks respectively increased and exceeded acceptable thresholds. There are currently no users of groundwater at the Site or within at least one-half mile of the Site, therefore there was no imminent risk presented to humans at the time from groundwater. Further, the groundwater was not expected to be used as a potable water source in the future.

The Supplemental Investigation Report, issued in September 1990 as a requirement of the ROD, concluded that the remedy components of the ROD had been accomplished (U.S. EPA, 1990) as follows:

- Groundwater – VOCs were not detected in any groundwater samples;
- Surface water – Samples were collected for VOCs, SVOCs and inorganic contaminants. No site-related organic contaminants were identified, but several inorganic contaminants were identified above upgradient concentrations with the greatest concentrations near the quarry bottom. A comparison of quarry and site-related samples indicated that the site was not adversely impacting Black River water quality.
- Fish Tissue – Mercury and manganese were detected not beyond the expected range from modeling;
- Surface soil – SVOCs and inorganic compounds were found below cleanup criterion; and
- Sediment – VOCs were detected only in deep samples (greater than 35 feet), while other contaminants were detected in both shallow and deep sediments. It was determined deeper sediments pose no immediate threat because the sediments do not mix into the quarry waters.

The City of Elyria passed an Emergency Resolution of Intent on November 1, 1999, to prohibit certain uses of the Site. On September 28, 2001, EPA issued an ESD requiring ICs to be placed on the Site. The ICs would enhance the protection of the remedy by decreasing the frequency of trespassing incidents or

the recreational use of the quarry, reducing the incidence of soil ingestion and fish consumption. In addition, residential use of the property, which assumes exposure to contaminated groundwater and soils, may present unacceptable risks. The ESD required ICs to prevent human and environmental contact with the Site and to enhance the remedy's protectiveness of human health and the environment. The City of Elyria owns the property and maintains the fence surrounding the quarry. Since ICs or deed restrictions were not part of the original remedy, EPA worked with the City to codify an ordinance to prevent current and future exposures to Site-related contaminants.

EPA deleted the Site from the National Priorities List (NPL) on November 12, 2002 (U.S. EPA, 2002). Under an EPA Management Assistance Grant, Ohio EPA has been conducting annual compliance inspections on the Site since 2003.

In January 2008, EPA issued a Site-Wide Ready for Anticipated Use (SWRAU) determination. The determination concluded that all cleanup goals in the ROD have been achieved for any media that may affect current and reasonably anticipated future land uses, so that there are no unacceptable risks, and that under current conditions, all ICs required by the ESD and ROD are in place and effective.

**Institutional Controls**

ICs are required to ensure the protectiveness of the remedy. ICs are non-engineered instruments, such as administrative and/or legal controls, that help minimize the potential for exposure to contamination and protect the integrity of the remedy. Compliance with ICs is required to assure long-term protectiveness for any areas which do not allow for UU/UE. The 2001 ESD required ICs to be placed on the Site to enhance the protectiveness of the remedy by prohibiting trespassing, recreational use and residential use of the Site.

A Declaration of Restrictions on the property was recorded by the City of Elyria on June 21, 2002. The restrictions contained therein are as follow:

1. Restrict property use to H-1 (Heavy Industrial) uses only.
2. Prohibit the use of groundwater as a source of drinking water.
3. Require the use of the Elyria municipal water supply as the source of potable water for any industrial or commercial development or public use.
4. Require the posting of warning signs to keep out of the quarry Site.
5. Require maintenance of the perimeter fence.
6. Prohibit fishing, swimming, and boating in the quarry.
7. Prohibit public access or use of the quarry, its sediment, and soil.

The City of Elyria owns the property and is responsible for maintaining the Site including the fence surrounding the quarry.

**Table 1: Summary of Planned and/or Implemented ICs**

Media, engineered controls, and areas that do not support UU/UE based on current conditions	ICs Needed	ICs Called for in the Decision Documents	Impacted Parcel(s)	IC Objective	Title of IC Instrument Implemented and Date (or planned)
---	------------	--	--------------------	--------------	--

Soil, Site Property surrounding quarry	Yes	Yes	The IC objective applies to and covers the physical area (12.24 acres). Elyria Township Lots 8, 115, 116, and 117 on Area A of Figure 4 in Appendix C	Prohibit residential and recreational use	City of Elyria Ordinance No. 2002-119; City of Elyria Declaration of Restrictions recorded June 21, 2002, with the Lorain County Recorder.
Quarry surface water, sediments and fish	Yes	Yes	The IC objective applies to and covers the physical area of the quarry (12.24 acres). Elyria Township Lots 8, 115, 116, and 117 on Area A of Figure 4 in Appendix C	Prohibit recreational use	City of Elyria Ordinance No. 2002-119; City of Elyria Declaration of Restrictions recorded June 21, 2002, with the Lorain County Recorder.
Groundwater	Yes	Yes	The IC objective applies to and covers the physical area (12.24 acres) Sitewide, Elyria Township Lots 8, 115, 116, and 117 on Area A and B of Figure 4 in Appendix C	Prohibit groundwater use on Site property; require the use of the Elyria municipal water supply for potable water	City of Elyria Ordinance No. 2002-119; City of Elyria Declaration of Restrictions recorded June 21, 2002, with the Lorain County Recorder.

### Ohio Statewide Fish Advisory

The Ohio Department of Health currently advises that all persons limit consumption of sport fish caught from all water bodies in Ohio to one meal per week, unless there is a more or less restrictive advisory already in place. The advisory protects sensitive populations, including women of childbearing age and children under age 15. The statewide Advisory applies to the quarry at the Site because the quarry is considered to be an Ohio water body. In Lorain County, a specific fish advisory is also in effect for the West Branch of the Black River which includes the segment alongside the quarry property. The advisory limits consumption of White Sucker to once per month due to elevated mercury levels. The updated listing of water bodies having advisories is available to the public on the Ohio EPA website.

<https://odh.ohio.gov/know-our-programs/ohio-sport-fish-consumption-advisory/publications/oh-fish-advisory>.

A map (Figure 4) showing the area in which the ICs apply is included in Appendix C.

### Current Compliance:

The ICs and required land use restrictions are generally effective in preventing residential and commercial uses but ongoing trespassing, vandalism, and recreational uses have been observed. The 11/23/2021 Site inspection conducted by Ohio EPA provided evidence which supported violations of the restrictions contained in the Declaration of Restrictions. Additional detail of the Site Inspection is included in Section IV below.

Restrictions on groundwater use are effective. Per the Ohio EPA 11/21/2021 inspection no drinking water supply wells were installed within the impacted groundwater area and ICs ensure that any new potable water needs must be supplied by the Elyria municipal supply. The Elyria Water Works provides the potable water supply to the area using Lake Erie as its water source. According to past residential well inventories, there are no known residential wells operating within a one-half mile radius of the Site and, there are no known existing downgradient wells that were previously used to provide potable water.

Long Term Stewardship: Long-term protectiveness requires continued compliance with the ICs on land use and groundwater use restrictions to ensure that the remedy continues to function as intended. Long-term stewardship (LTS) helps ensure that the ICs are maintained, monitored, and enforced. The City of Elyria needs to develop LTS procedures and incorporate them into an Operation and Maintenance (O&M) plan. A draft O&M plan containing LTS procedures needs to be provided to EPA and Ohio EPA for review. An example of an LTS Plan was provided to the City of Elyria in October 2021 to keep them informed and engaged in the development process.

IC Follow up Actions Needed: The City of Elyria needs to submit an O&M plan containing LTS procedures; replacement of missing warning signs; reparations to the Site fence; and plans to address the ongoing trespassing and vandalism at the Site by implementing improved Site security.

### Systems Operations/Operation & Maintenance

The Site has been in the O&M phase since December 31, 1992, when the Final Closeout Report (U.S. EPA, December 1992) was completed. The RA involved only soil removal. There are no on-Site operating structures, and there was no formal O&M Plan. The RI monitoring wells remain in place but have not been sampled since the Site was deleted from the NPL in 2002. Use of the groundwater is prohibited by the ICs at the Site.

The City of Elyria, as the local authority and landowner, continues to assume responsibility for the observance of the ICs. Should a violation of the ordinance occur, the City will be able to take the appropriate enforcement action. A State Superfund Contract (SSC), signed in September 1989 with Ohio EPA, indicates that Ohio EPA will assure all future O&M of the RA for the expected life of the actions. To date, it has not been necessary for Ohio EPA to directly undertake O&M activity at the Site because the City of Elyria has assumed this responsibility. Cost reconciliation and termination of the SSC occurred in October 1998. Ohio EPA has continued to consult with EPA on all actions since the termination of the SSC.

Ohio EPA has been conducting annual compliance inspections since 2003. However, no formal documentation existed prior to July 2006. A compliance inspection report and guidance used by the Ohio EPA is available to the city. The city does not perform its own regular compliance inspections but

does accompany Ohio EPA on its annual inspections and receives copies of the final compliance reports prepared by Ohio EPA.

At the request of EPA and Ohio EPA, surface water and sediment sampling was performed by a contractor to the City of Elyria in September 2018 due to a sheen that was observed on the surface water of the quarry during the fifth FYR Site Inspection (City of Elyria Report, January 2020). The report concluded that there was no evidence of chemical impacts to surface water from the sheen observed on the quarry surface during the assessment. Sediment sample results were also consistent with historic analytical results. The results of this sampling are discussed in the *Data Review* section below.

### III. PROGRESS SINCE THE LAST REVIEW

This section includes the protectiveness determinations and statements from the last FYR as well as the recommendations from the last FYR and the current status of those recommendations.

**Table 2: Protectiveness Determinations/Statements from the 2018 FYR**

OU #	Protectiveness Determination	Protectiveness Statement
1/Sitewide	Short-term Protective	The remedy is currently protective of human health and the environment because exposure pathways that could result in unacceptable risks are being controlled. However, in order for the remedy to be protective in the long-term, the following actions need to be taken to ensure protectiveness: sample sheen and quarry water and determine source; develop and implement a monitoring program; develop and implement an O&M Plan; develop long-term stewardship activities as part of the O&M Plan; and address Site access controls and security.

**Table 3: Status of Recommendations from the 2018 FYR**

OU #	Issue	Recommendations	Current Status	Current Implementation Status Description	Completion Date (if applicable)
01/Sitewide	Oil sheen observed on quarry pond water.	Sample and analyze sheen and quarry water to determine source.	Completed	The City of Elyria conducted an evaluation of the sediment and surface water in 2020 and determined no potential risks to the quarry. The City's conclusion is that no further action is required at this time. EPA agrees with this conclusion but also believes that it is necessary to implement an O&M Plan. Surface water and sediment sampling were analyzed for	1/13/2020

				historically detected parameters within the quarry. Results concluded that parameters were not detected above their maximum historic concentrations and no additional source area was detected. <i>See Data Review</i> for a summary of the sampling results.	
01/Sitewide	Lack of fish tissue survey, fish tissue sampling, fish tissue bioassays, and groundwater monitoring with each FYR as required by the ROD.	Develop and implement the required monitoring program.	Completed	EPA reported in the last FYR that additional fish tissue and groundwater sampling would be required. However, since that time it was determined that all required fish tissue and groundwater sampling was completed during the September 1990 Supplemental Investigation.	9/26/1990
01/Sitewide	Lack of O&M program.	Develop and implement an O&M Plan.	Addressed in Next FYR	The City of Elyria will prepare an O&M Plan that will incorporate long-term stewardship activities of ICs and Site inspections	NA
01/Sitewide	Lack of long-term stewardship of ICs.	Develop long-term stewardship procedures as part of O&M Plan and implement.	Addressed in Next FYR	The City of Elyria will prepare an O&M Plan that will incorporate long-term stewardship activities of ICs and Site inspections.	NA
01/Sitewide	Inadequate Site access controls and Site security.	Maintain the Site access controls and security. This includes controlling vegetative growth along the fence line, repairing breaches and holes within the perimeter fence and gaps beneath the fence, and maintaining posted warning signs. The City of Elyria should also actively pursue enforcement of the Declaration of Restrictions under the city ordinance as needed.	Ongoing	The City of Elyria is working to address additional Site security measures to ensure safety and long-term protectiveness of the remedy. The City of Elyria has explored other options to increase security measures at the Site, including obtaining a quote for a camera security system to be monitored by the City police department and sending letters to nearby residents notifying them to contact the police department with Site trespassing concerns.	NA



## **IV. FIVE-YEAR REVIEW PROCESS**

### **Community Notification, Involvement & Site Interviews**

A public notice was made available on 12/20/22, stating that there was a FYR planned for the Site and inviting the public to submit any comments to EPA (Appendix D). In February 2023, a resident contacted EPA and expressed concerns about people trespassing on the Site property and swimming in the quarry. EPA responded to the resident that EPA would incorporate these public concerns into the current FYR report. Since that time, the resident has contacted the local newspaper and Senator Sherrod Brown's office seeking support. On March 2, 2023, EPA sent a response to an inquiry from the Senator's office indicating EPA's willingness to maintain open lines of communication and provide an update to the community on the current status.

The results of the review and the report will be made available at the Site information repository located at the Elyria Central Public Library 320 Washington Ave. Elyria, Ohio 44035, and at: [www.epa.gov/superfund/republic-steel-quarry](http://www.epa.gov/superfund/republic-steel-quarry). Due to Covid-19 travel restrictions, interviews were not conducted. Historically, interviews with the public have been limited because there is little public interest at the Site.

### **Data Review**

Following the 2018 FYR, EPA and the Ohio EPA requested a data assessment of the quarry water with surface water and sediment sampling at the Site due to a sheen observed on the surface of the quarry water during the fifth FYR Site Inspection. Sampling was performed in September 2018 by a contractor to the City of Elyria (City of Elyria Report, January 2020). The sheen had been observed within the quarry near the boat launch area on the south side of the quarry. Sheen had also been observed on the surface water on the eastern side of the quarry. The collected data would provide the chemical makeup of the sheen, provide the current water conditions, and current properties of the sediment.

Surface water samples were collected with one (1) surface water sample with no sheen and one (1) surface water sample of the sheen for comparison. Each surface water sample was analyzed for the following parameters: free cyanide, alkalinity as calcium carbonate (CaCO<sub>3</sub>), hexavalent chromium, fluoride, nitrate nitrogen, Chemical Oxygen Demand (COD), metals, water quality parameters, polychlorinated biphenyls (PCBs), VOCs, and total phosphorus (orthophosphate).

No evidence of chemical impacts to surface water were found from the sheen observed on the surface water of the quarry based on this 2018 sampling event. VOCs, SVOCs, pesticides, water quality parameters, PCBs, and metals were not detected above the Ohio EPA Lake Erie Basin aquatic life and human health screening values for outside mixing zone maximum (OMZM) or the Ohio Voluntary Action Program (VAP) Unrestricted Potable Use Standard (UPUS) in surface water samples. There were no significant variations in data between the samples collected with and without a sheen observed.

Sediment samples were analyzed for historically detected parameters including SVOCs and metals. One SVOC, benzo(a)pyrene, was detected in all of the sediment samples above the regional screening levels for residential soil. Several metals including arsenic, chromium, and iron were detected at levels above the regional screening levels for residential soil. In addition, several metals including antimony, arsenic,

cadmium, copper, nickel, and selenium were detected at levels above the Ohio VAP Statewide and Regional Sediment Reference Values. However, these parameters were not detected above their maximum historic concentration within the Site sediment. Sediment sample results were consistent with historic analytical results.

Based on the results, the City of Elyria does not recommend additional investigation concerning the sheen observed on the surface of the quarry water. At this time Ohio EPA and EPA accept this recommendation. However, the Agencies recommend that the City of Elyria prepare an O&M Plan to incorporate long-term stewardship activities of ICs and Site inspections.

### **Site Inspection**

Ohio EPA conducted their annual Site Inspection on November 17, 2021 (*see* Appendix C for inspection report). Photos were taken and included in Appendix C. Due to Covid-19 work travel restrictions, the EPA FYR Site inspection could not be completed. The FYR inspection of the Site will be conducted by EPA once it is feasible to do so, and the written inspection results and Site photos taken during the inspection will be included in the Site's files for documentation.

The inspection noted that, while warning signs on the north and south sides of the fence were intact, those on the east and west sides were removed/vandalized. The inspection noted some portions of the fence had been cut/damaged. Per the inspection report:

Despite the repairs made to the fence and additional signs being posted to alert potential trespassers of the hazards within the fence, trespassing was still occurring. Evidence of swimming and fishing was noted during the inspection. The city representative stated that the city would like to consider additional alternatives, if possible, to fill the quarry with Lake Erie dredged sediments (under the beneficial reuse program) to help minimize the appeal for trespassing in the quarry area and prevent future exposure.

During the inspection, the city was asked to complete repairs by March 2022 and provide documentation to EPA and Ohio EPA. It is also noted that these issues have been ongoing and identified in FYRs since 1998 and this FYR recommends that additional steps be taken to improve Site security, including finding ways to enforce trespassing.

The City of Elyria installed new signs around the perimeter to replace the ones that were missing (per an email received by the state and EPA). The City of Elyria contracted with the Cuyahoga Fence Company to repair all the fencing sections that were in disrepair in February/March 2022. Repairs were completed on August 23, 2022. The City of Elyria also requested and received a quote for a camera security system to be monitored by the Elyria Police Department.

During the inspection on November 17, 2021, Ohio EPA asked if the City of Elyria maintained its interest in using sediment dredged from the Black River for beneficial re-use as fill to support wetland creation and/or recreational uses if possible. Based on discussions with EPA's Surface Water Division, it appears that this process is costly and may take a significant amount of time to appropriately plan and implement.

The City of Elyria is continuing to communicate that individuals with trespassing complaints should contact the City of Elyria Police Department and report trespassing concerns either in lieu of or in

addition to notifying the Agencies. In addition, the City of Elyria sent letters to nearby residents in August 2022 to contact the police department to report trespassing.

## V. TECHNICAL ASSESSMENT

**QUESTION A:** Is the remedy functioning as intended by the decision documents?

### Question A Summary:

No. The review of the available information indicates that some components of the remedy are functioning as it was intended by the ROD and ESD, and other components are not. Site access restrictions are not functioning as effectively as intended as recreational use of the quarry still occurs on a regular basis.

EPA issued a ROD on September 30, 1988, which called for excavation of contaminated soils in the ditch previously used to discharge pickle liquor to the quarry and along the southern end of the quarry. The 300-ppb total cPAHs soil cleanup goals were met via excavation from the designated areas. The ROD also called for a supplemental investigation during which further studies of fish tissue and groundwater were to be performed. The risk calculations performed during the supplemental investigation, which was completed in 1990, confirmed that no unacceptable risks were posed to humans consuming fish from either the quarry or the adjacent Black River. The quarry sediments, though contaminated, were left in place since they lay below the mixing zone and fish were not likely to come in contact with them. It was also determined that there were no users of groundwater at the Site or within at least one-half mile of the Site, and no imminent risk was presented by groundwater to humans.

Following the 2018 FYR, EPA and the Ohio EPA requested a data assessment of the quarry water with surface water sampling and sediment sampling at the Site due to observation of a sheen on surface water of the quarry during the fifth FYR Site Inspection. Evidence of chemical impacts to surface water from the sheen observed on the surface water of the quarry were not observed during the September 2018 assessment. Sediment sample results were consistent with historic analytical results.

### O&M

Warning signs are missing and damage to the fence has been noted. Evidence of trespassing and use of the quarry for fishing and swimming have also been observed. This has been an ongoing issue noted in each one of the prior FYRs. The City of Elyria has pursued actions to address the damaged fence and other items noted during the 11/17/2021 Ohio EPA Site inspection. The quarry and surrounding land are also enclosed by a fence to prevent potential exposure to Site soils and fish from the quarry pond; however, Site access controls have not been completely effective in deterring trespassing and recreational use of the quarry.

### Implementation of Institutional Controls and Other Measures

There is no potential exposure to groundwater because all potable water is supplied by the Elyria municipal water supply.

ICs are in place to limit the Site uses. IC effectiveness is questionable possibly due to lack of enforcement. IC restrictions prohibit interference with the remedy, prohibit use of the groundwater on

the Site, and prohibit residential and recreational uses of the Site including the quarry pond. Site uses (trespassing and recreational uses) which are inconsistent with the implemented ICs and the IC objectives were noted during the Site inspection and highlighted in follow-up discussions with Ohio EPA and City of Elyria. The City of Elyria, as the Site owner and PRP, is responsible for maintaining and enforcing the ICs at the Site. Compliance with ICs are necessary to assure the protectiveness of the remedy.

Implementation of LTS procedures is required to ensure that the ICs are maintained, monitored and enforced so that the remedy continues to function as intended. IC effectiveness needs to be improved through the implementation of an approved O&M Plan containing LTS procedures. The O&M plan that will be developed will include procedures for LTS of ICs, to ensure long-term protectiveness of the remedy.

**Question B:** Are the exposure assumptions, toxicity data, cleanup levels, and remedial action objectives (RAOs) used at the time of remedy selection still valid?

**Question B Summary:**

Yes. The exposure assumptions, toxicity data, cleanup levels, and RAOs used at the time of the remedy selections are still valid. There have been no major changes in the physical conditions of the Site which would affect the protectiveness of the remedy. The Site is currently vacant. Although emerging contaminants could potentially be present that were not included as part of exposure assumptions at the time of remedy selection, the Site RAOs remain valid because residents and businesses in the area are connected to the municipal water supply and effective ICs are in place preventing use of the groundwater.

There has been no change to the standardized risk assessment methodology or contaminant characteristics that would affect the protectiveness of the remedy. There have been no changes in toxicity factors or cleanup levels. As per the ICs, the property is currently zoned for industrial use; however, there is currently no formal use of the property as it remains vacant except for trespassing and unauthorized seasonal recreation activities.

**Question C:** Has any other information become available that could call into question the protectiveness of the remedy?

**Question C Summary:**

No. There is no new information which has come to light which could affect the protectiveness of the remedy. No other events have affected the protectiveness of the remedy and there is no other information which calls into question the protectiveness of the remedy. There have been no natural disasters and/or climate change issues impacting the Site or the protectiveness of the remedy.

**VI. ISSUES/RECOMMENDATIONS**

<b>OU(s): 1/ Sitewide</b>	<b>Issue Category: Monitoring</b>
	<b>Issue:</b> FYR Site inspection not conducted as part of this FYR due to work travel restrictions from COVID-19.

<b>Recommendation:</b> Conduct a FYR Site Inspection now that COVID-19 travel restrictions have been lifted. Document the results of inspection in writing and include photographs for inclusion in the Site files.				
<b>Affect Current Protectiveness</b>	<b>Affect Future Protectiveness</b>	<b>Party Responsible</b>	<b>Oversight Party</b>	<b>Milestone Date</b>
No	Yes	EPA	EPA/State	12/31/2023

<b>OU(s): 01/Sitewide</b>	<b>Issue Category: Operations and Maintenance</b>			
	<b>Issue:</b> Lack of O&M Plan.			
	<b>Recommendation:</b> Develop and implement an O&M Plan that will incorporate LTS activities of ICs and Site inspections.			
<b>Affect Current Protectiveness</b>	<b>Affect Future Protectiveness</b>	<b>Party Responsible</b>	<b>Oversight Party</b>	<b>Milestone Date</b>
No	Yes	PRP	EPA/State	12/31/2023

<b>OU(s): 01/Sitewide</b>	<b>Issue Category: Institutional Controls</b>			
	<b>Issue:</b> Lack of long-term stewardship of ICs.			
	<b>Recommendation:</b> Develop long-term stewardship procedures as part of O&M Plan ensuring that all ICs at the site are being monitored and maintained and ensure that LTS procedures as part of O&M continue to be implemented at the Site.			
<b>Affect Current Protectiveness</b>	<b>Affect Future Protectiveness</b>	<b>Party Responsible</b>	<b>Oversight Party</b>	<b>Milestone Date</b>
No	Yes	PRP	EPA/State	12/31/2023

<b>OU(s): 01/Sitewide</b>	<b>Issue Category: Site Access/Security</b>			
	<b>Issue:</b> Inadequate Site access controls and Site security.			
	<b>Recommendation:</b> Maintain the Site access controls and security. This includes controlling vegetative growth along the fence line, repairing breaches and holes within the perimeter fence and gaps beneath the fence, and maintaining posted warning signs. The City of Elyria should also actively pursue enforcement of the Declaration of Restrictions under the City Ordinance as needed.			
<b>Affect Current Protectiveness</b>	<b>Affect Future Protectiveness</b>	<b>Party Responsible</b>	<b>Oversight Party</b>	<b>Milestone Date</b>
No	Yes	PRP	EPA/State	12/31/2024

## OTHER FINDINGS

During the 2018 FYR, EPA determined that eight on-site and off-site groundwater monitoring wells that were installed by EPA during the RI need to be properly abandoned. EPA, in consultation with Ohio EPA, will determine if this is an appropriate action given the recent trespassing concerns at the Site. Monitoring well abandonment will be necessary if the City pursues reuse and redevelopment of the Site.

## VII. PROTECTIVENESS STATEMENT

OU1 and Sitewide Protectiveness Statement(s)
<p><i>Protectiveness Determination:</i> Short-term Protective</p>
<p><i>Protectiveness Statement:</i> The remedy currently protects of human health and the environment because soil cleanup goals were met, and ICs are in place. Also, the January 2020 Sediment and Surface Water Sampling Analysis Assessment indicates that no adverse impacts from sheen observed were occurring at the Site. However, in order for the remedy to be protective in the long-term, the following actions need to be taken to ensure protectiveness: Develop and implement an O&amp;M Plan that will incorporate LTS activities of ICs and Site inspections; Develop long-term stewardship procedures as part of O&amp;M Plan ensuring that all ICs at the site are being monitored and maintained and ensure that LTS procedures as part of O&amp;M continue to be implemented at the Site; Maintain the Site access controls and security. This includes controlling vegetative growth along the fence line, repairing breaches and holes within the perimeter fence and gaps beneath the fence, and maintaining posted warning signs. The City of Elyria should also actively pursue enforcement of the Declaration of Restrictions under the City Ordinance as needed; and Conduct a FYR Site Inspection and document the results of the inspection in writing and include photographs for inclusion in the Site files.</p>

## VIII. NEXT REVIEW

The next FYR report for the Republic Steel Corp. Quarry Superfund Site is required five years from the completion date of this review.

## APPENDIX A – REFERENCE LIST

Environmental Design Group, January 13, 2020. Former Republic Steel Quarry City of Elyria Sediment and Surface Water Sampling Analysis Assessment, Republic Steel Quarry Site.

Ohio EPA, November 23, 2021. 2021 Annual Inspection Summary - Republic Steel Quarry, Elyria Site, Lorain County, Ohio, Republic Steel Quarry Site.

### IC Report(s)

City of Elyria, June 2002. IC Investigation Study, Republic Steel Quarry Site.

### Decision Document(s)

U.S. EPA, March 1988. Remedial Investigation Report

U.S. EPA, September 1988. Record of Decision, Republic Steel Quarry Site.

U.S. EPA, September 1990. Supplemental Investigation Report.

U.S. EPA, December 1992. Final Closeout Report.

U.S. EPA, September 2001. Explanation of Significant Difference, Republic Steel Quarry Site.

U.S. EPA, June 1997. Consent Decree, Republic Steel Quarry Site.

U.S. EPA, November 2002. National Priorities List deletion, Republic Steel Quarry Site.

U.S. EPA, March 20, 2018. 5<sup>th</sup> FYR, Republic Steel Quarry

## APPENDIX B – ADDITIONAL SITE INFORMATION

The Republic Steel Quarry Site (the Site) is located in the City of Elyria, Ohio, and is situated east of West River Road and west of the West Branch of the Black River. The Site consists of a 4.9-acre water-filled quarry that is surrounded by seven acres of densely vegetated land. A fence now surrounds the Site perimeter. The water depth of the quarry is approximately 60 feet and the sandstone sides of the quarry rise to about 25 feet above the water surface. The walls consist of large vertically stacked sandstone blocks that were used as retaining walls during quarrying operations. Water from the quarry discharges directly into the West Branch of the Black River.

Historically, although the Site is fenced, it still was occasionally accessible through breaches in the fence. Trespassers were known to enter the Site for recreational use as evidenced by debris associated with drinking, fishing, and swimming. Well-worn foot paths led inward to the quarry pond from gaps in the fence. The City Elyria is maintaining the fencing and posting of warning signs, and occasionally is to conduct inspections to ensure no trespassing.

There are no residences or small businesses in the immediate area outside of the property fencing. The closest facility was the former LTV steel rolling facility located at 525 Mussey Avenue, which the quarry property adjoins. The facility location is currently up for industrial lease.

The Site was operated as a sandstone quarry during an unknown period of time prior to 1950. From 1950 to 1975, the Republic Steel Corporation discharged about 200,000 gallons per day of waste pickle liquor and rinse water from steel pickling operations to the quarry. The waste pickle liquor, consisting largely of sulfuric acid and dissolved metal oxides, was pumped through an aboveground pipe to a large ditch which flowed into the quarry. In 1976, the discharge ditch leading to the quarry was dammed. In 1977, the City of Elyria, using federal money, purchased the quarry, the ditch, and the seven surrounding acres of land from Republic Steel Corporation, with the intention of establishing a municipal park on the property.

In 1981, Republic Steel Corporation notified EPA of its past disposal activities in order to comply with Section 103(c) of CERCLA. In response to this information, a site investigation was performed in 1983 by EPA. The investigation indicated the presence of heavy metals, such as chromium, arsenic, lead and cadmium at greater concentrations in the downgradient wells than in the upgradient wells. The Site was subsequently proposed for the National Priorities List on October 15, 1984. Both the City of Elyria and LTV Steel Corporation, which later acquired Republic Steel Corporation, challenged the placement on the NPL. The site listing was finalized in 1986 and later upheld by the court in 1990.

In June 1997, EPA settled CERCLA response costs with the only two PRPs for the Site: LTV Steel/Republic Steel Corporation via the In re: Chateaugay Bankruptcy settlement approved by the U.S. Bankruptcy Court in the Southern District of New York, and the City of Elyria via a CERCLA Consent Agreement. Neither settlement obtained any injunctive relief on the part of a settling PRP.

The remedy at the Site was performed solely by EPA. No PRP is under obligation to perform any injunctive relief or remedial work.



## APPENDIX C – FIGURES AND SITE PHOTOS

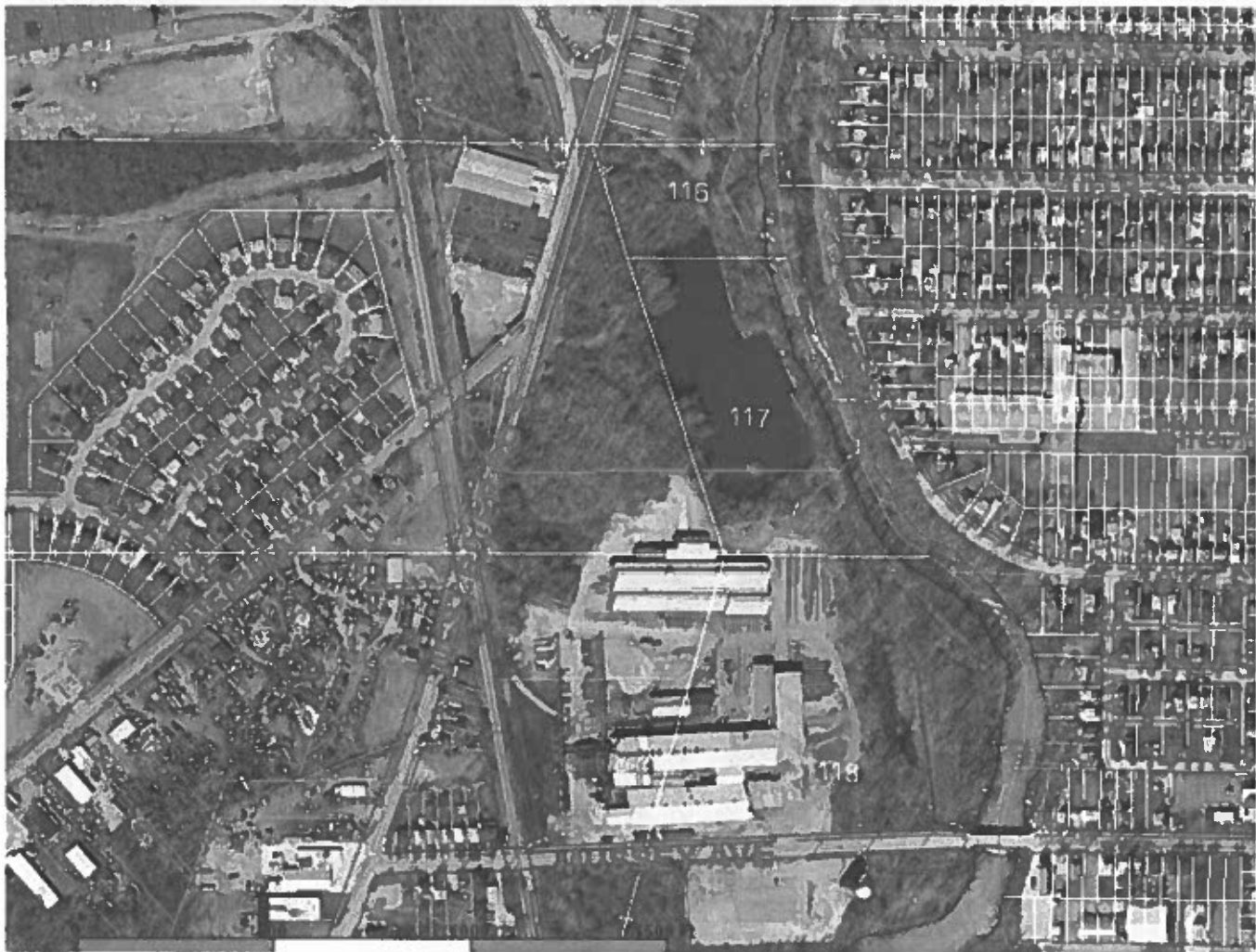
loraincountyauditor.com - Lorain County Internet Maps - Microsoft Internet Explorer

Favorites Tools Help



### Lorain County Internet Maps

Mark R. Stewart, Auditor



Map current as of 10/19/07. Aerial photo date: April 2005

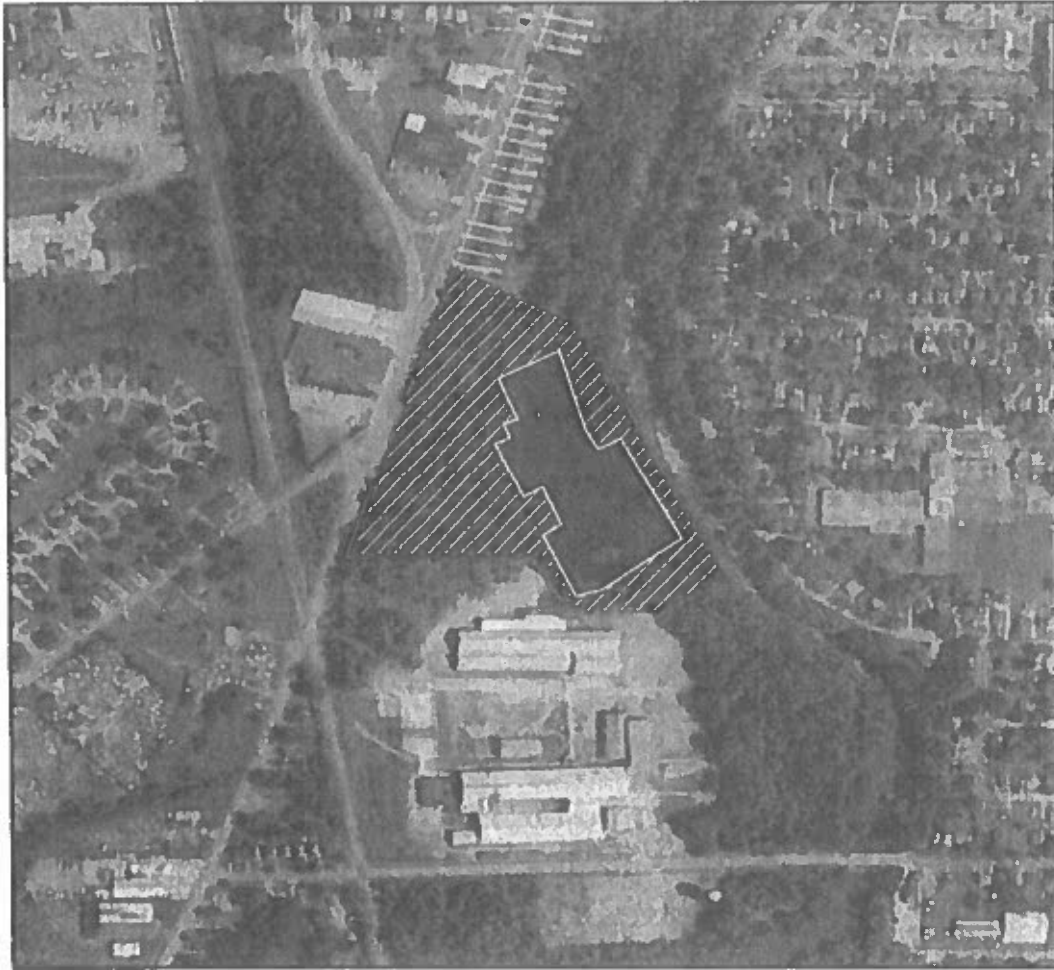
Inbox - Microsoft Out... Lorain County Real E... Z:\Aerial 2005\Elyria0... http://www.loraincou... Aerial 2005

Republic Steel Quarry  
Lorain County, Ohio  
OHD980903447




Superfund  
U.S. Environmental Protection Agency



### Implemented Institutional Controls



City of Elyria Declaration of Restrictions  
for Areas A and B

-  Area A - Site Property  
Surrounding Quarry
-  Area B - Quarry Proper
-  Site Fence



Created by Cesar Capote  
U.S. EPA Region 5-4-02/11-013

FIGURE 4

The City of Elyria has installed new signs around the perimeter to replace the ones that were missing.



## APPENDIX D – FYR NOTIFICATION

### **PUBLIC NOTICE: Republic Steel Corp. Quarry Site – Five Year-Review in Process** **Publish Date**

December 15, 2022

#### **Summary**

#### **Sixth Five-Year Review in Process**

U.S. Environmental Protection Agency is conducting a five-year review of the Republic Steel Corp. Quarry site at 525 15th St. in Elyria, Ohio. The Superfund law requires regular checkups of sites that have been cleaned up – with waste managed on-site – to make sure the cleanup continues to protect people and the environment. This is the sixth five-year review of this site.

EPA's cleanup of the site's drainage ditch and other pollution "hot spots" at the site consisted of removing contaminated soil and sediment (mud), conducting extensive groundwater sampling and performing a fish study to determine health risks. As a result of the first five-year review completed in 1998, the cleanup was expanded to include groundwater monitoring, fixing and inspecting the site fence, posting signs, and limiting the use of and access to the site.

More information is available at the Elyria Public Library, 320 Washington Ave., and at [www.epa.gov/superfund/republic-steel-quarry](http://www.epa.gov/superfund/republic-steel-quarry). The review is expected to be completed by the end of March 2023.

The five-year review is an opportunity for you to tell EPA about site conditions and any concerns you have. Contact:

**Adrian Palomeque**  
Community Involvement Coordinator  
312-353-2035  
[palomeque.adrian@epa.gov](mailto:palomeque.adrian@epa.gov)

**David Linnear**  
Remedial Project Manager  
312-886-2014  
[linnear.david@epa.gov](mailto:linnear.david@epa.gov)

You may also call EPA toll-free at 800-621-8431, 9 a.m. to 5:30 p.m., weekdays.