

CITY OF ELYRIA
REPUBLIC STEEL QUARRY SITE
ELYRIA, OHIO
INSTITUTIONAL CONTROLS
OPERATION & MAINTENANCE PLAN

May 1, 2023

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1.0 INTRODUCTION

This Institutional Controls Operations & Maintenance Plan (ICOMP) was originally prepared in December 2018 by Environmental Design Group for the Republic Steel Quarry Site (Site) in Elyria, Lorain County, Ohio (the Site). The ICOMP is now being updated by the City of Elyria (City) in response to U.S. EPA's Sixth Five-Year Review (5YR) Report dated March 20, 2023 to highlight Long-Term Stewardship activities the City has performed, and will continue to perform, in this Plan to ensure that the Institutional Controls for the Site are effective in achieving their intended goals. Long-Term Stewardship comprises the physical controls, institutions, information and other mechanisms needed to ensure protection of public health and the environment at sites where remedial actions have been completed, are on-going, or planned (e.g., landfill closures, remedial actions, contaminant removal actions, and facility stabilization). This concept of long-term stewardship may include actions, such as land-use controls, monitoring, maintenance, and information management. The remedial actions for the Site were completed by U.S. EPA in 1993.

The Republic Steel Quarry Site is owned by the City of Elyria, who will be responsible for the implementation of this ICOMP. The U.S. Environmental Protection Agency (EPA) Region 5 and the Ohio EPA Division of Environmental Response and Revitalization are the agencies providing oversight of this ICOMP.

2.0 SITE DETAILS

A description of the site and a brief site history are provided. This information will provide background on how the institutional controls for the site were developed and who is responsible for the implementation and oversight of this ICOMP.

2.1 Site description

The Site is located between West River Road and Riverside Drive, approximately 800 feet north of Mussey Avenue, in the City of Elyria and is identified as parcel numbers 0624116000003, 0624117000001, 0624117000003 and 0624008108004. A figure showing the location of the Site is included as **Figure 1**. The Site is approximately 12.3 acres in size and consists of 4.9 acres of land which is the water filled quarry and 7.4 acres of fenced land surrounding the quarry. The land surrounding the quarry is densely vegetated. The Black River is located along the eastern boundary of the Site and the former Republic Steel facility is located to the south of the quarry. The Black River flows directly north from Elyria and discharges into Lake Erie.

The water depth of the quarry is approximately 60 feet. The quarry walls at and below the water level are Berea Sandstone. Above the Berea Sandstone, the quarry walls consist of vertically stacked sandstone blocks that were used as retaining walls during quarry operations, and the sides of the quarry rise to about 25 feet above the water surface in some locations. Water discharges from the quarry directly into the Black River through an outlet on the eastern side of the quarry as shown on the attached **Figure 2**. The outlet structure is a concrete structure with a gate valve. The gate valve within the concrete outlet structure is no longer in working condition and cannot be adjusted. There is also a four-inch diameter steel pipe located at the southeastern corner of the quarry which extends into the water. This pipe is believed to have been used for withdrawing water from the quarry to the Republic Steel plant. This pipe system is no longer operational. A ditch from the former Republic Steel facility also discharges into the southern end of the quarry. It is unknown whether discharges from the former facility still flow through this ditch, but it appears that the ditch carries storm water flows from upstream of the Site.

2.2 Brief Site History

The Site was operated as a sandstone quarry prior to 1950. From 1950 to 1975 the Republic Steel Corporation discharged approximately 200,000 GPD of waste pickle liquor and rinse water into the quarry. The waste pickle liquor was pumped through an aboveground pipe to a ditch which discharged into the quarry. The waste pickle liquor consisted mainly of spent sulfuric acid and dissolved metal oxides. In 1976 LTV Steel Corporation acquired Republic Steel and the discharge ditch was dammed. The City of Elyria purchased the quarry and seven (7) surrounding acres from LTV Steel in 1977.

In 1981 Republic Steel Corporation notified the U.S. Environmental Protection Agency (U.S. EPA) of its past disposal activities involving the discharge of waste pickle liquor and rinse water in order to comply with Section 103c of CERCLA. In 1983 the U.S. EPA conducted an investigation of the Site and in 1984 the Site was proposed for the National Priorities List (NPL).

A remedial investigation (RI) was conducted by the U.S. EPA at the Site from June 1987 to March 1988. The RI groundwater sampling indicated that the quarry affected the water chemistry within the Berea Sandstone immediately adjacent to and downgradient of the Site. Organic chemical contaminants were detected only adjacent to the eastern quarry wall. Inorganic contaminants were detected downgradient from the quarry and across the Black River. No organic compounds were detected in quarry water that were identified as being potentially Site-related. Several inorganic compounds such as barium, calcium, iron, magnesium, manganese, nickel, vanadium and zinc were identified in the quarry water as being possibly Site-related. Surface water samples within the Black River indicated that the Site was not adversely affecting river water quality. Fish tissue samples collected from the quarry and downstream of the quarry in the river, relative to the samples taken upstream, showed elevated levels of mercury and manganese. Surface soil samples obtained from areas of the Site that were periodically inundated by quarry water or exposed to waste discharges in the past indicated that VOCs, SVOCs and heavy metals were present above background concentrations. Results of sediment samples collected from the quarry bottom indicated elevated levels of VOCs, SVOCs and inorganic compounds. Sediment samples collected in the Black River indicated that the Site was not adversely affecting sediment quality in the river.

As part of the RI, a baseline risk assessment was performed to evaluate human health risks at the Site under various existing and future exposure scenarios. The baseline risk assessment found that under existing use scenarios, the combined risks to trespassers were driven by the potential uptake of PAHs and mercury from the quarry sediment to fish tissue. Contaminated sediments were confined to the quarry bottom and were not readily accessible to humans, except via the fish consumption pathway and groundwater was not being used as a potable water source. Under future use scenarios, the risks are driven by direct contact and ingestion of soil and groundwater. The preliminary remedial action objectives for these media were the following:

- Quarry Surface Water: Protect public from ingestion of contaminated fish.
- Sediment: Protect public from ingestion of contaminated fish.
- Surface soil: Protect public from dermal absorption or incidental ingestion of contaminated soils.

The U.S. EPA issued a Record of Decision (ROD) on September 30, 1988 that called for

excavating and removing sediment and soils at the Site to the selected Action Level of 300 parts per billion (ppb) for total PAHs. The Remedial Action (RA) was implemented by the U.S. EPA in two (2) phases between September 21, 1989 and September 25, 1990. The first phase of the RA focused on the fish tissue risk issues identified during the RI baseline risk assessment. The subsequent 1990 Supplement Investigation risk recalculations using actual fish tissue data found that no unacceptable risks were posed to humans consuming fish from either the quarry or the Black River. The U.S. EPA performed the second phase of the RA in February 1990 to address the contaminated soil and sediments at the Site. 150 cubic yards of soil were removed from the boat launch area and the pickle liquor discharge ditch. The Supplemental Investigation Report issued September 1990 concluded that the objectives of the ROD had been accomplished.

EPA conducted the first five-year review of the Site and issued the FYR report in June 1998. The report recommended that the fence be restored to a functional condition, warning signs be posted, monthly inspections of the fence be conducted (with increased vigilance during warm weather months), and the city should detect and repair vandalism to the fence and signs. The U.S. EPA also recommended the city enact land-use restrictions so that no residential development could occur on the Site and that the use of groundwater as a potable water source be prohibited. In response, the city passed an emergency Resolution of Intent on November 1, 1999 to prohibit certain uses of the Site.

On September 28, 2001 the U.S. EPA issued an Explanation of Significant Differences (ESD) requiring institutional controls (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, which would cause soil ingestion and fish consumption levels to rise above reasonable maximum exposure scenarios. The ICs included prohibiting residential and recreational use, prohibit fish ingestion, prohibit groundwater use on the Site and require the use of the Elyria municipal water supply for potable water. A Declaration of Restriction was executed by the city on June 21, 2002 and imposed the following restrictions:

- 1) Restrict property use to H-I (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 off the quarry;
- 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 RA also required operation and maintenance activities (O&M) including maintaining the perimeter fence and warning signs, and controlling vegetation growth along the fence line.

The Site was deleted from the NPL on September 12, 2002. Under the EPA Management Assistance Grant, Ohio EPA has been conducting annual compliance inspections on the Site. In March 2013 the U.S. EPA conducted the fourth Five-Year Review for the Site. The recommendations and follow-up actions documented in the report include:

- 1) The eight on-site and off-site groundwater monitoring wells that were installed by EPA during the RI need to be properly abandoned. This will be particularly necessary if the city pursues reuse and redevelopment of the Site property. EPA is currently working with the Ohio EPA to determine the appropriate method of abandonment and costs.
- 2) Elyria should continue to maintain the Site access controls. This includes controlling vegetation growth along the fence line, repairing breaches and holes within the perimeter fence and gaps beneath the fence, and maintaining posted warning signs to the greatest extent possible. The city should also actively pursue enforcement of the Declaration of Restrictions under the city ordinance.

2.3 Property Information and Institutional Control Stakeholder Contacts

Property Owner and Responsible Parties:

Name: City of Elyria

Contact Name: Kathryn McKillips

Address: 131 Court Street, Elyria, Ohio 44035

Telephone Number: (440) 326-1444

U.S. EPA Region 5:

Project Coordinator: David Linnear

Address: 77 West Jackson Boulevard, SR-6J, Chicago IL 60604-3507

Telephone Number: (312) 886-2014

Ohio EPA Northeast District Office:

Project Coordinator: Marissa Tomin

Address: 2110 East Aurora Road, Twinsburg, Ohio 44087-1924

Telephone Number: (330) 963-1232

2.4 Mapping of Residual Contamination, Institutional Control Boundaries, and Other Site Features

The map provided as **Figure 2** shows the locations of the quarry and surrounding wooded area.

This figure also shows the location of the perimeter fence and gates. The outlet structure is shown on the east side of the quarry.

3.0 IMPLEMENTED INSTITUTIONAL CONTROLS

A Declaration of Restrictions, authorized by Elyria City Ordinance No. 2002-119, executed by the city on June 21, 2002 imposes restrictions to the Site under the city ordinance.

The Declaration of Restrictions imposed the following restrictions:

- 1) Restrict property use to H-I (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 off the quarry;
- 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 above seven items comprise the institutional controls for the quarry Site. The City of Elyria is responsible for the implementation of restrictions within the Declaration of Restrictions, which includes restrictions to the use of the entire Site. A copy of the Declaration of Restrictions including a legal description of the Site is included as **Appendix A**. There is no time limit for the expiration of the use restrictions within the Declaration of Restrictions, which are currently expected to be a permanent document. To meet the requirements of the Declaration of Restrictions the City of Elyria will maintain a perimeter fence surrounding the quarry site. The fence will be maintained, and the gates will remain locked at all times to restrict unauthorized trespassing on the quarry property. The use of the Site by the City will also be restricted to heavy industrial and the use of groundwater as a source of drinking will be prohibited.

4.0 INSTITUTIONAL CONTROLS MAINTENANCE ELEMENTS

IC long-term stewardship maintenance activities, monitoring, and reporting will be conducted by the City of Elyria to help ensure that ICs are in place and functioning as intended at the site. The following section details the steps to be taken to maintain the effectiveness of the ICs.

4.1 Institutional Control Long-Term Stewardship Activities and Monitoring

Long-term stewardship activities are designed to ensure that the IC instruments can be effectively enforced. IC monitoring determines how effective the long-term stewardship

activities are at keeping the IC instruments in place, operating in the manner envisioned during selection, and continuing to be effective in preventing unacceptable exposures at the Site. The City of Elyria will conduct the following long-term stewardship activities:

- Annually verify that the quarry Site is still zoned as Heavy Industrial (H-I)
- Annually verify that the use of ground water at the Site is prohibited
- Annually verify that any commercial or industrial users on the Site use the Elyria municipal water supply as the only source of potable water
- Perform periodic inspections of the Site, at a minimum, in the months of January, April, June, July, August, and October, and more frequently as needed during seasons where vandalism and trespassing on the quarry property is prevalent, to observe the following:
 - Observe condition of warning signs. Determine if warning signs are in place as indicated on the **Figure 2** included in this plan. Determine if signs are legible and visible. Replace missing and/or vandalized signs as needed.
 - Observe vegetation growth around the perimeter fence to determine if vegetation is impairing the ability to observe vandalism or warning signs. Remove vegetation, as needed, to ensure visibility of the fencing, signs and quarry site to reduce trespassing and vandalism.
 - Observe the Site's perimeter fence for signs of vandalism or damage. Repair the perimeter fencing as needed to reduce trespassing onto the quarry site.
 - Observe access gates to determine if locks are in place and locked to prevent access to the Site. Replace non-functioning, damaged, or missing locks as needed.
- Discourage trespassing on the Site using additional tactics:
 - Install a CCTV camera system on the quarry site with Wi-Fi feed to the Elyria Police Department
 - Post additional signage on the quarry perimeter fencing warning that the premises are under 24-hour video surveillance
 - Post No Fishing/No Swimming signs on the quarry perimeter fencing
 - Post additional signs inside the quarry fencing on sign posts out of reach of vandals
 - Post signs on Riverside Drive asking residents to call the Elyria Police Department (EPD) whenever they see or hear trespassers on the quarry site
 - Increase presence of City of Elyria personnel near the quarry site during the Summer months to report trespassers
 - Elyria Police Department patrols – Reports on file at EPD
 - Use of Elyria Police Department Drone Team, as available – Reports on file at EPD

- Elyria Industrial Pretreatment Inspectors and other City Departments – Report trespassers to Elyria Police Department
- The Ohio EPA has also been conducting annual compliance inspections under an EPA Management Assistance Grant. Following the yearly inspections, the Ohio EPA completes a compliance report that is provided to the City of Elyria. The City of Elyria will comply with all recommendations provided in Ohio EPA’s yearly compliance inspection report.

4.2 Reporting

The observations made during the City of Elyria's periodic inspections will be recorded on the Inspection Form included as **Appendix B**. Records of periodic maintenance or repairs made to the ICs will also be recorded, either on the Inspection Form or through maintenance records maintained with the Inspection Forms. The inspection forms and maintenance records will be kept for a minimum of five (5) years and will be made available to the U.S. EPA and Ohio EPA upon request.

4.3 Institutional Control Maintenance

To comply with this plan, the City of Elyria will conduct certain long-term stewardship maintenance activities, including yearly and periodic maintenance activities, as needed, to maintain the ICs.

- Annual maintenance activities to be conducted by the City of Elyria include:
 - Clearing of vegetation on either side of the Site's perimeter fence to maintain visibility of warning signs, areas of damage to the fence, and visibility of trespassers on the Site. The annual clearing will be performed by a contractor selected by the City Engineer’s Office of the City’s Forestry Department. Periodic clearings may be performed by City personnel as needed throughout the Summer months.
 - Clearing of vegetation at the river on Riverside Drive to enhance visibility to the quarry property to deter trespassers at the Site. This clearing may be contracted or performed by City personnel.
- Periodic maintenance activities will be conducted as needed based on the observations from periodic Site inspections. These activities will be conducted as soon as possible following discovery and will include:
 - Maintaining the CCTV camera and Wi-Fi systems by City personnel or a contractor approved by the City Engineer of the City’s IT Department.
 - Repairing or replacement of damaged warning signs by City personnel.
 - Replacement of damaged or missing locks by City personnel.

- Repairing breaches and holes to the perimeter fence and gaps beneath the fence by a contractor selected by the City Engineer's Office.

5.0 INSTITUTIONAL CONTROL MODIFICATION & TERMINATION ELEMENTS

If site conditions change over time (e.g., changes in cleanup standards, exposure assumptions, site usage), it may be necessary to modify the ICs. Should the ICs in this plan be modified, the City of Elyria will review and modify, as necessary, this plan and the long-term stewardship activities to ensure that ICs are in place and functioning as intended at the site. The IC requirements included within this plan will remain in place until U.S. EPA modifies the requirements established in their ESD.

The ICs and long-term stewardship actions will be evaluated annually by the City of Elyria. The results of the evaluation will be recorded on the evaluation form found in Appendix B. This plan shall also be updated if there are changes to the management of the ICs such as, a change in the location of the perimeter fence, the addition or removal of gates in the perimeter fence, change to the locations of warning signs, and changes to the party responsible for the implementation of this ICOMP.

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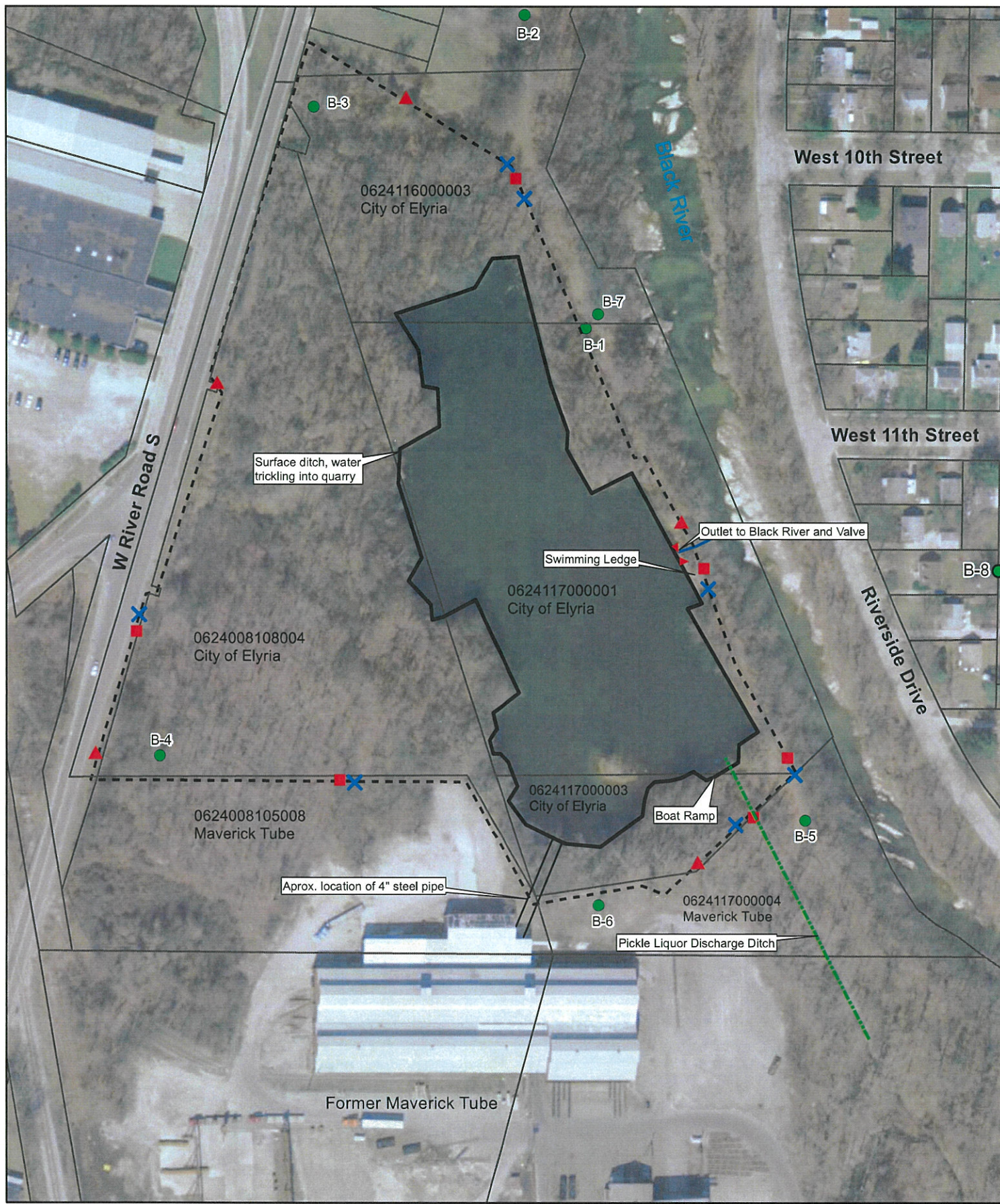
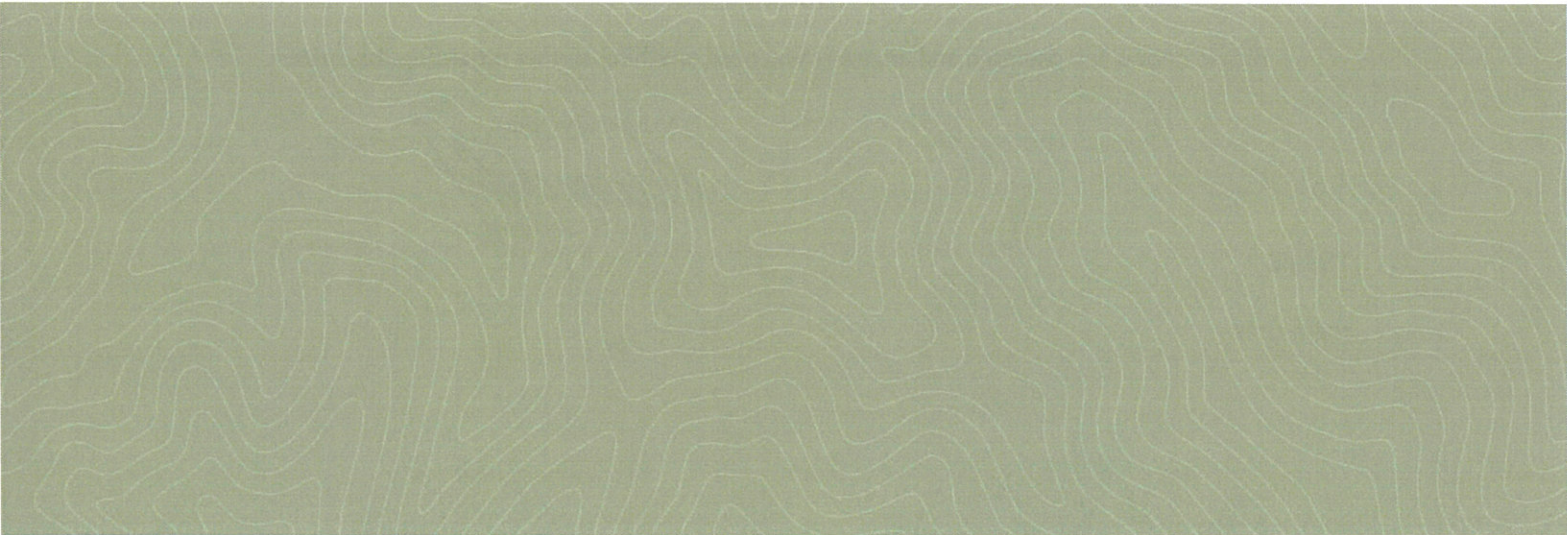


Figure 2
Insttutional Control Plan Map
Former Republic Steel Quarry
Elyria, Ohio 44035

APPENDIX A



LAW DIRECTOR
TERRY S. SHILLING

THE CITY OF ELYRIA, OHIO
OFFICE OF LAW DIRECTOR
CITY HALL
328 BROAD STREET
ELYRIA, OHIO 44035
PHONE: (440) 323-5646
FAX: (440) 284-0829

ASST. LAW DIRECTORS
& PROSECUTORS

CYNTHIA M. ADAMS
JAY B. GRUNDA
STEPHEN J. GURCHIK
MICHELLE D. NEDWICK
QUENTIN J. NOLAN
MARGARET A. O'BRYON
HONEY ROTHSCHILD
MICHAEL E. SZEKELY

July 25, 2002



Sheila Sullivan
Remedial Project Manager
U.S. EPA, Superfund Division
Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

Attn: SR-6J

Re: Republic Steel Quarry Institutional Controls

Dear Ms. Sullivan,

Enclosed pursuant to our telephone conversation of Wednesday, July 24, 2002 are the following items:

- 1) Copy of Declaration of Restrictions as recorded by the City of Elyria on Republic Steel Quarry.
- 2) Copy of Ordinance No. 2002-119 authorizing the Mayor to sign the Declaration of Restrictions.
- 3) Copy of Transmittal Letter to Mary Ann Jamison, Loran County Recorder for recording the Declaration of Restrictions.
- 4) Copy of Letter to John Hart, Elyria City Engineer transmitting a copy of Declaration of Restrictions for the Engineering Department.
- 5) Copy of Letter to Gerald Klein, Elyria City Building Inspector transmitting a copy of Declaration of Restrictions for the Building Department.

Please review the enclosed and advise if you need anything further regarding this matter.

Very truly yours,

Terry S. Shilling

TSS/jla

enclosures

TERRY S. SHILLING
ELYRIA CITY LAW DIRECTOR

328 Broad Street
Elyria, Ohio 44035
Office (440) 323-5647
Fax (440) 284-0829

FAX

Date: June 20, 2002

Time: _____

To: Jerome P. Kujawa
Assistant Regional Counsel
U.S. EPA
77 W. Jackson Blvd.
Chicago, Illinois 60604-3560

Fax No. 312-886-0747

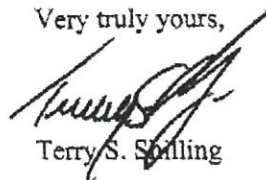
From: Terry S. Shilling, Law Director

RE: Institutional Controls Restricting Use of and Access to the Republic Steel Quarry National
Priorities List Superfund Site, Elyria, Ohio

Dear Mr. Kujawa,

Enclosed pursuant to your letter of June 13th, 2002 is a signed copy of a Declaration of
Restrictions regarding the Republic Steel Quarry Site in the City of Elyria. Please review and
advise if you have any questions.

Very truly yours,



Terry S. Shilling

TSS/jla
enclosure

/cc: Sheila Sullivan
Remedial Project Manager
U.S. EPA Superfund Division
77 West Jackson Blvd.
Chicago, Illinois 60604

We are transmitting 2 pages. If this facsimile is not complete, please call (440) 323-5647.

****CONFIDENTIALITY NOTICE****

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DECLARATION OF RESTRICTIONS

This Declaration of Restrictions, authorized by Elyria City Ordinance No. 2002-119, is made at Elyria, Ohio, this 21st day of June, 2002, by the City of Elyria, Ohio, an Ohio Municipal Corporation, (Declarant).

Recitals

WHEREAS, Declarant owns real property (**Real Property**) situated in the City of Elyria, County of Lorain, State of Ohio, by and through a Limited Warranty Deed recorded in Volume 1191, page 463 of Lorain County Deed Records. Said real property is more fully described in Exhibit A attached hereto and made a part hereof as if fully rewritten herein; and

WHEREAS, there is contained within said Real Property a four acre sandstone quarry (Quarry) having a water depth of approximately 60'; and

WHEREAS, said Quarry contains contaminated sediments confined to the Quarry bottom and not easily accessed by humans except by fish consumption; and

WHEREAS, humans have on occasion swam and fished in or about said Quarry; and

WHEREAS, the U.S. EPA through a remedial investigation determined that the consumption of fish from said Quarry would be a risk to humans; and

WHEREAS, the U.S. EPA pursuant to the Explanation Of Significant Differences issued September 28, 2001 has determined that it is necessary for the City to restrict public access to said Quarry; and

WHEREAS, Declarant desires to impose certain restrictions, covenants and conditions upon the Quarry and the real property surrounding the Quarry consisting of approximately 12.299 acres, all of which is described in Exhibit B attached hereto and made a part hereof.

NOW, THEREFORE, Declarant for itself and its successors and assigns, hereby enters into this Declaration to impose and create restrictions, covenants and conditions set forth below.

Prohibition Against Extraction of Ground Water

1. The extraction of ground water located on, in, under or over the real property described in Exhibit A is specifically prohibited for any purpose, potable or otherwise, except for the investigation or remediation of the ground water.

Requirement for Use of City of Elyria Municipal Water Supply

2. The City of Elyria Municipal Water Supply shall be the sole source of potable water

for any industrial or commercial development or any other public or private use on, in, under or over said real property described in Exhibit A.

Public Access

3. Any and all fishing, swimming, boating, public access or use of the Quarry, its sediments and soils is specifically prohibited.

Warning signs and fence

4. Whoever owns or has control over the real property described in Exhibit B shall install and maintain signs warning any and all persons to keep off said real property and shall at all times maintain a fence around the perimeter of said real property sufficient to prevent humans from entering onto the real property described in Exhibit B.

Permitted Use

5. The zoning use for the real property described in Exhibit B shall be limited to heavy industrial use only and any residential, recreational and commercial use shall be prohibited.

Remedies

6. Declarant reserves onto itself the right in case of any violation or breach of any of the restrictions, covenants and conditions in this Declaration, to enter said real property on which the violation or breach exists and to summarily abate and remove, at the expense of the owner, any thing or condition that exists contrary to the intent and meaning of the provisions of this Declaration as determined by Declarant. Declarant shall not, by reason of any action under this paragraph, be deemed guilty of any manner of trespass for the entry, abatement, or removal. Failure of Declarant to enforce any of the restrictions, covenants and conditions contained in this Declaration shall in no event be construed, taken, or held to be a waiver, and Declarant shall at any and all times have the right to enforce this Declaration.

Covenants Running With the Land

7. The restrictions, covenants and conditions enumerated in this Declaration shall be deemed as covenants and not as conditions, and shall run with the land and shall bind all owners of all or any part or interest in and to said real property unless and until any change has been approved in writing by the City of Elyria.

Constructive Notice

8. All future grantees of any interest in said real property, by acceptance of the deed or any instrument of transfer, shall be deemed to be bound by the terms of this Declaration, whether or not specific reference is made to this Declaration in the deed or instrument of

transfer. It is understood and agreed that the restrictions, covenants and conditions are part of an overall prohibition on said real property as a whole, and upon the recording of this Declaration shall be constructive notice to any future owner or owners of any interest in said real property of the terms of this Declaration.

In Witness Whereof, this Declaration of Restrictions has been executed by William M. Grace, Mayor, City of Elyria, this 21st day of June, 2002

CITY OF ELYRIA

By: 

William M. Grace, Mayor

Rebecca Stewart

Rebecca Stewart

Print Name

DeAnna Frye

DeAnna Frye

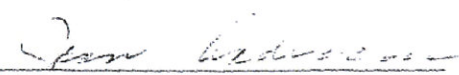
Print Name

State of Ohio)

SS

County of Lorain)

The foregoing instrument was acknowledged before me this 21st day of June, 2002, by William M. Grace, Mayor, City of Elyria.


Notary Public

This Instrument Prepared and Approved by:
Terry S. Shilling, Law Director, City of Elyria
Elyria, Ohio
(440) 323-5647

JEAN ANDERSON, Notary Public
State of Ohio
My Commission Expires January 24, 2005

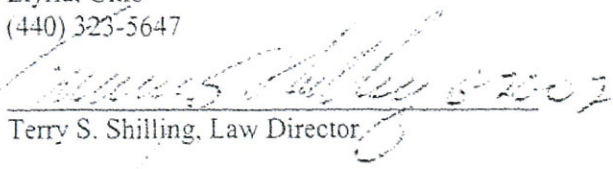

Terry S. Shilling, Law Director

EXHIBIT A

Situated in the City of Elyria, County of Lorain, State of Ohio and being known as part of Original Elyria Township Lots Numbers 8, 115, 116, and 117, West of the Black River and bounded and described as follows:

Beginning at a spike found set at the intersection of the centerline of West River Street and the centerline of Infirmary Road;

Thence South $15^{\circ}25'40''$ West in the centerline of West River Street, a distance of 393.00 feet to a spike set;

Thence South $89^{\circ}55'40''$ East, a distance of 34.36 feet to a point in the easterly sideline of West River Street; said point is the principal place of beginning;

Thence continuing South $89^{\circ}55'40''$ East and in a line parallel to and six (6) feet distant northerly from an existing fence, a distance of 422.97 feet to a point;

Thence South $29^{\circ}14'40''$ East in a line parallel to and six (6) feet distant northeasterly from an existing fence, a distance of 168.75 feet to an iron pin set;

Thence North $81^{\circ}05'20''$ East, a distance of 197.43 feet to an iron pin set;

Thence North $46^{\circ}04'20''$ East, a distance of 232.51 feet to a point in the easterly line of land conveyed to the Elyria Iron and Steel Company as recorded in Deed Volume 158, Page 398 of the Lorain County Deed Records; said line passes through an iron pin set 85.21 feet southwesterly from said easterly line;

Thence North $22^{\circ}41'20''$ West in the easterly line of land so conveyed to the Elyria Iron and Steel Company, said line being the easterly line of land now or formerly owned by Republic Steel Corporation, a distance of 614.83 feet to a lower northeasterly corner of land so conveyed to the Elyria Iron and Steel Company;

Thence North $89^{\circ}54'20''$ West in a lower northerly line of land so conveyed to the Elyria Iron and Steel Company, a distance of 45.00 feet to a point in the high water mark of the west bank of the westerly branch of the Black River;

The following 8 courses are in the high water mark of the Black River and at the easterly line of land now or formerly owned by Republic Steel Corporation and in the easterly line of a parcel conveyed to the Elyria Iron and Steel Company, recorded aforesaid;

Thence North $27^{\circ}20'43''$ West, a distance of 136.26 feet to a point;

Thence North $19^{\circ}32'27''$ East, a distance of 144.45 feet to a point;

Thence North $19^{\circ}39'25''$ West, a distance of 53.76 feet to a point;

Thence North $21^{\circ}37'04''$ East, a distance of 228.55 feet to a point;

Thence North $7^{\circ}22'17''$ East, a distance of 159.15 feet to a point;

Thence North $15^{\circ}23'40''$ East, a distance of 326.35 feet to a point;

Thence North $25^{\circ}36'43''$ East, a distance of 276.02 feet to a point;

Thence North $28^{\circ}40'34''$ East, a distance of 129.15 feet to a point in the northerly line of Original Lot 115;

Thence North $89^{\circ}04'20''$ West in the northerly line of Original Lot 115, a distance of 402.96 feet to an iron pin found set in the easterly sideline of West River Street; said point being South $89^{\circ}04'20''$ East, a distance of 33 feet from a spike found set at an angle point in the centerline of West River Street; said line passes through an iron pin set about 399 feet off the centerline of West River Street;

Thence South $0^{\circ}12'45''$ West, a distance of 4.29 feet to a point;

Thence South $16^{\circ}25'40''$ West, a distance of 399.55 feet to a point;

Thence South $73^{\circ}34'20''$ East, a distance of 27.00 feet to a point;

Thence South $16^{\circ}25'40''$ West, a distance of 20.00 feet to a point;

Thence North $73^{\circ}34'20''$ West, a distance of 27.00 feet to a point;

Thence South $16^{\circ}25'40''$ West, a distance of 768.00 feet to a point;

Thence South $30^{\circ}09'29''$ East, a distance of 50.93 feet to a point;

Thence South $16^{\circ}25'40''$ West, a distance of 20.00 feet to a point;

Thence North $73^{\circ}34'20''$ West, a distance of 37.00 feet to a point;

Thence South $16^{\circ}25'40''$ West, a distance of 296.99 feet to a point;

Thence South $73^{\circ}34'20''$ East, a distance of 12.00 feet to a point;

Thence South $16^{\circ}25'40''$ West, a distance of 10.00 feet to a point;

Thence North $73^{\circ}34'20''$ West, a distance of 12.00 feet to a point;

Thence South $16^{\circ}25'40''$ West, a distance of 247.00 feet to a point;

Thence South $73^{\circ}34'20''$ East, a distance of 12.00 feet to a point;

Thence South $16^{\circ}25'40''$ West, a distance of 10.00 feet to a point;

Thence North $73^{\circ}34'20''$ West, a distance of 12.00 feet to a point;

Thence South $16^{\circ}25'40''$ West, a distance of 228.35 feet to the principal place of beginning;

Containing within said bounds 20.813 acres of which about 3.780 acres are in Original Lot 8, about 8.278 acres are in Original Lot 115, about 2.092 acres are in Original Lot 116, and about 6.663 acres are in Original Lot 117, to be the same more or less, but subject to all legal highways, as surveyed by Kleinoeder-Schmidt and Associates in July, 1977.

Sponsored by:

SAFETY:
H. Larkins
L. Tanner

ORDINANCE NO. 2002- 119

AN ORDINANCE AUTHORIZING THE MAYOR TO SIGN A DECLARATION OF RESTRICTIONS REGARDING THE REPUBLIC STEEL QUARRY SITE AND REPEALING ORDINANCE NO. 2001-176.

WHEREAS, the City of Elyria is the owner of the Republic Steel Quarry Site (Quarry Site) on Mussey Avenue which Quarry Site has been listed as an NPL Site by the USEPA and is described in Exhibit A attached hereto and made a part hereof; and

WHEREAS, the USEPA is in the process of preparing an explanation of significant difference as part of the process of delisting said Quarry Site as an NPL site; and

WHEREAS, the USEPA has requested that the City of Elyria institute controls and deed restrictions to protect human health including but not limited to prohibiting the ground water at said Quarry Site as a source of drinking water and requiring the use of the City of Elyria Municipal Water Supply as the sole source of potable water for any industrial or commercial development or public use on said Quarry Site.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ELYRIA, STATE OF OHIO:

SECTION 1. That the Mayor be and he hereby is authorized to sign a Declaration of Restrictions for and relating to said Republic Steel Quarry Site, which Declaration of Restrictions shall include but not be limited to the following:

- a) Prohibition against Extraction of Ground Water;
- b) Requiring the use of the City of Elyria Municipal Water Supply upon said real property;
- c) Prohibiting public access
- d) The erection of Warning Signs and Fences.

Any other deed restrictions which the United States Environmental Protection Agency (USEPA) or the City of Elyria shall deem necessary and appropriate. Said Declarations shall be recorded at the Lorain County Recorder's Office to run with the land, and shall be in form and substance and approved by the Elyria City Law Director and shall be recorded after the

I HEREBY CERTIFY THAT THIS IS AN EXACT AND TRUE COPY OF Ord. 2002-119

Arthur J. Weber 6-7-02
ARTHUR J. WEBER, CLERK OF COUNCIL DATE
CITY OF ELYRIA, OHIO

City of Elyria receives approval from the USEPA.

SECTION 2: This Ordinance hereby repeals Ordinance No. 2001-176 and any other ordinances or portions thereof which may be inconsistent herewith.

SECTION 3: That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in meetings open to the public, in compliance with Ohio law.

SECTION 4: That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: 6/3/02 Thomas O. Shores
Thomas O. Shores, President

ATTEST: Arthur J. Weber APPROVED: 6/3/02
Arthur J. Weber, Clerk

William M. Grace
William M. Grace, Mayor

DATE: 6-4-02

Approved as to form:

Terry S. Shilling
Terry S. Shilling, Law Director

CERTIFICATE OF PUBLICATION

I, THE UNDERSIGNED CLERK OF COUNCIL OF THE CITY OF ELYRIA, OHIO, HEREBY CERTIFY THAT THE FULL TEXT OF THE FOREGOING ORDINANCE NO. 2002-119 WAS POSTED IN THREE PLACES WITHIN THE CITY AS DETERMINED BY COUNCIL, AND THAT SUCH PLACES WERE AS FOLLOWS: CITY HALL, CENTRAL FIRE STATION AND THE POLICE STATION.

DATED: 6/6/02 Arthur J. Weber

CLERK OF COUNCIL
CITY OF ELYRIA, OHIO

Date presented to the Mayor: 6/4/02

EXHIBIT B

Former Republic Steel Quarry Boundary

LEGAL DESCRIPTION

Situated in the City of Elyria, County of Lorain, State of Ohio and known as being part of Original Elyria Township Lots Number 8, 115, 116 and 117, West of the Black River and bounded and described as follows:

Commencing at a spike found set at the intersection of the centerline of WEST RIVER ROAD (S) (66 foot right of way) and INFIRMARY ROAD (60 foot right of way); thence S 16° 25' 40" W along the centerline of said WEST RIVER ROAD (S), a distance of 393.00 feet to a spike set; thence S 89° 55' 40" E, a distance of 34.36 feet to a point on the easterly right of way limits of said WEST RIVER ROAD (S); said point being the true place of beginning;

Thence continuing S 89° 55' 40" E and being in a line parallel to and six (6) foot perpendicular with an existing fence, a distance of 451.97 feet to a point;

Thence S 29° 14' 40" E and being in a line parallel to and six (6) foot perpendicular with an existing fence, a distance of 168.75 feet to an iron pin;

Thence N 81° 45' 20" E, a distance of 197.43 feet to an iron pin;

Thence N 46° 04' 20" E, a distance of 232.61 feet to an angle point;

Thence N 22° 41' 20" W, a distance of 614.83 feet to an angle point;

Thence N 89° 54' 20" W, a distance of 45.00 feet to a point;

Thence N 27° 20' 43" W, a distance of 136.26 feet to a point;

Thence N 60° 59' 14" W, a distance of 331.44 feet to a point on the easterly right of way of WEST RIVER ROAD (S);

Thence S 16° 25' 40" W along the easterly right of way of said WEST RIVER ROAD (S), a distance of 82.00 feet to an angle point;

Thence S 30° 09' 49" E continuing along the easterly right of way of said WEST RIVER ROAD (S), a distance of 50.93 feet to an angle point;

Thence S 16° 25' 40" W continuing along the easterly right of way of said WEST RIVER ROAD (S), a distance of 20.00 feet to an angle point;

Thence N 73° 34' 20" W along the easterly right of way of said WEST RIVER ROAD (S), a distance of 37.00 feet to an angle point;

Former Republic Steel Quarry Boundary

Thence S 16° 25' 40" W continuing along the easterly right of way of said WEST RIVER ROAD (S), a distance of 296.99 feet to an angle point;

Thence S 73° 34' 49" E continuing along the easterly right of way of said WEST RIVER ROAD (S), a distance of 12.00 feet to an angle point;

Thence S 16° 25' 40" W continuing along the easterly right of way of said WEST RIVER ROAD (S), a distance of 10.00 feet to an angle point;

Thence N 73° 34' 49" W continuing along the easterly right of way of said WEST RIVER ROAD (S), a distance of 12.00 feet to an angle point;

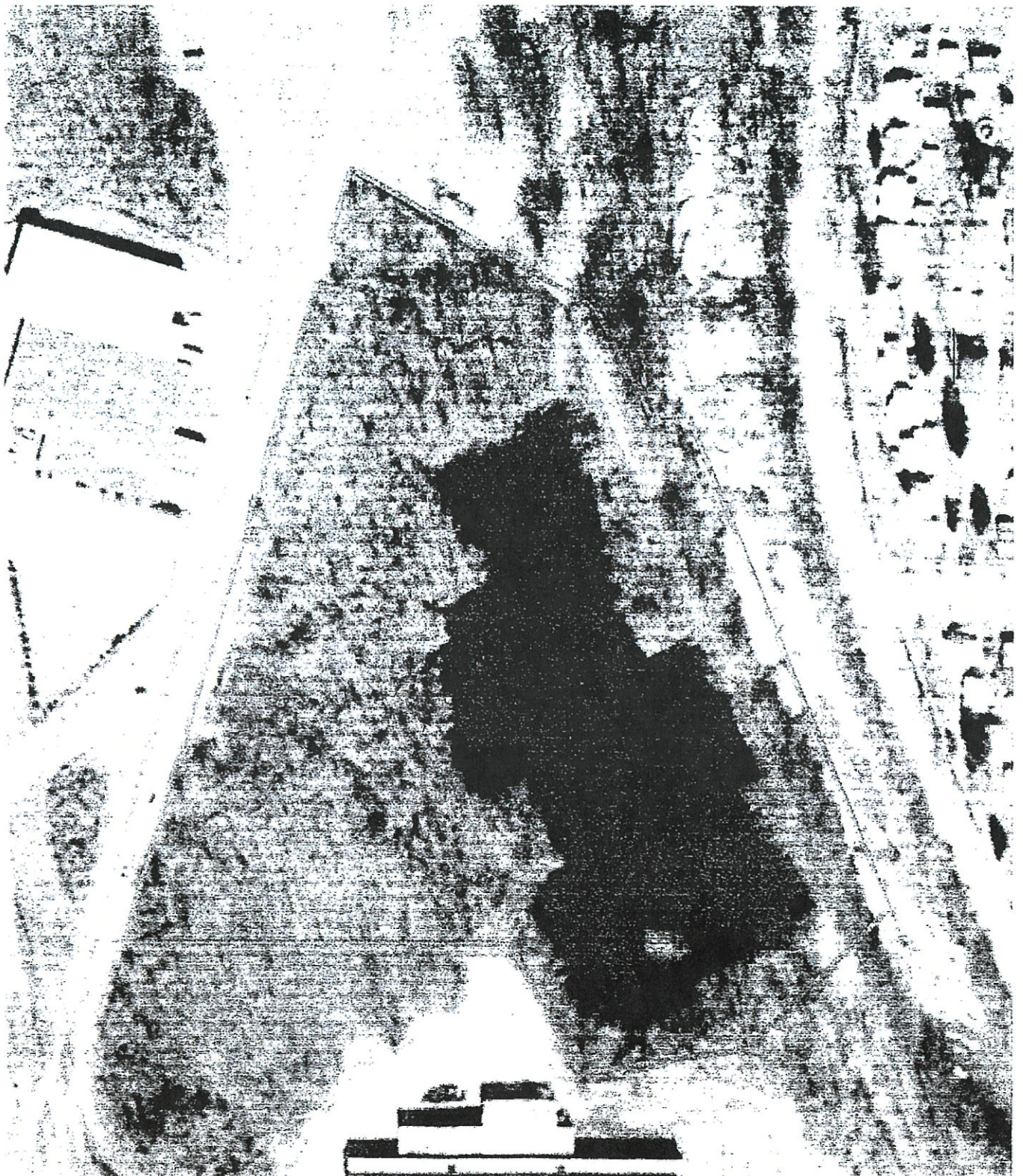
Thence S 16° 25' 40" W continuing along the easterly right of way of said WEST RIVER ROAD (S), a distance of 247.00 feet to an angle point;

Thence S 73° 34' 20" W continuing along the easterly right of way of said WEST RIVER ROAD (S), a distance of 12.00 feet to an angle point;

Thence S 16° 25' 40" W continuing along the easterly right of way of said WEST RIVER ROAD (S), a distance of 10.00 feet to an angle point;

Thence N 73° 34' 49" W continuing along the easterly right of way of said WEST RIVER ROAD (S), a distance of 12.00 feet to an angle point;

Thence S 16° 25' 40" W continuing along the easterly right of way of said WEST RIVER ROAD (S), a distance of 228.35 feet to the true place of beginning and containing 12.299 acres of which about 3.780 acres are in Original Lot 8, about 0.022 acres are in Original Lot 115, about 1.834 acres in Original Lot 116 and about 6.663 acres in Original Lot 117, to be the same more or less, but subject to all legal highways.



LAW DIRECTOR
TERRY S. SHILLING

THE CITY OF ELYRIA, OHIO
OFFICE OF LAW DIRECTOR
CITY HALL
328 BROAD STREET
ELYRIA, OHIO 44035
PHONE: (440) 323-5646
FAX: (440) 284-0829

ASST. LAW DIRECTORS
& PROSECUTORS

CYNTHIA M. ADAMS
JAY B. GRUNDA
STEPHEN J. GURCIEK
MICHELLE D. NEDWICK
QUENTIN J. NOLAN
MARGARET A. O'BRYON
HONEY ROTHSCHILD
MICHAEL E. SZEKELY

July 25, 2002

Mary Ann Jamison
Lorain County Recorder
Lorain County Administration Building
226 Middle Avenue
Elyria, Ohio 44035

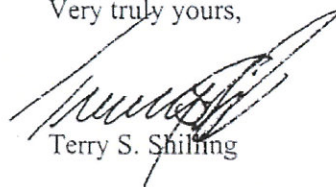
Re: City of Elyria Declaration of
Restrictions

Dear Ms. Jamison,

Enclosed for recording in Lorain County Records is a Declaration of Restrictions by the City of Elyria for its Republic Quarry Site.

Please review and advise if you need anything further to record this document.

Very truly yours,



Terry S. Shilling

TSS/jla

enclosure

LAW DIRECTOR
TERRY S. SHILLING

THE CITY OF ELYRIA, OHIO
OFFICE OF LAW DIRECTOR
CITY HALL
328 BROAD STREET
ELYRIA, OHIO 44035
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HONEY ROTHSCHILD
MICHAEL E. SZEKELY

July 25, 2002

John Hart
Elyria City Engineer
328 Broad Street
Elyria, Ohio 44035

Re: Republic Steel Quarry Declaration of
Restrictions

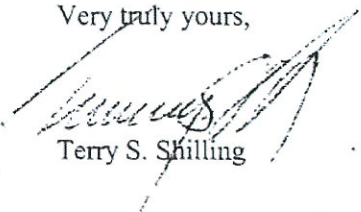
Dear Mr. Hart,

Enclosed is a copy of the Declaration of Restrictions which the City of Elyria has recorded regarding the Republic Steel Quarry property on West River Road, Elyria, Ohio. Please note that this Declaration of Restrictions was authorized by Ordinance No. 2002-119 (copy enclosed).

Please note that the Declaration of Restrictions implements specific prohibitions as provided therein on the Republic Steel Quarry Site and surrounding real property, both of which are described and detailed in the exhibits attached to the Declaration of Restrictions.

Please review the enclosed and advise if you have any questions.

Very truly yours,



Terry S. Shilling

TSS/jla

enclosure

LAW DIRECTOR
TERRY S. SHILLING

THE CITY OF ELYRIA, OHIO
OFFICE OF LAW DIRECTOR
CITY HALL
328 BROAD STREET
ELYRIA, OHIO 44035
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HONEY ROTHSCHILD
MICHAEL E. SZEKELY

July 25, 2002

Gerald Klein
Building Inspector, City of Elyria
601 W. Broad Street
Elyria, Ohio 44035

Re: Republic Steel Quarry Declaration of
Restrictions

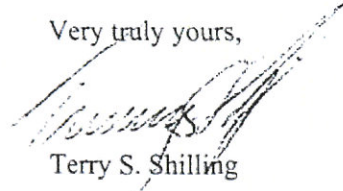
Dear Mr. Klein,

Enclosed is a copy of the Declaration of Restrictions which the City of Elyria has recorded regarding the Republic Steel Quarry property on West River Road, Elyria, Ohio. Please note that this Declaration of Restrictions was authorized by Ordinance No. 2002-119 (copy enclosed).

Please note that the Declaration of Restrictions implements specific prohibitions as provided therein on the Republic Steel Quarry Site and surrounding real property, both of which are described and detailed in the exhibits attached to the Declaration of Restrictions.

Please review the enclosed and advise if you have any questions.

Very truly yours,

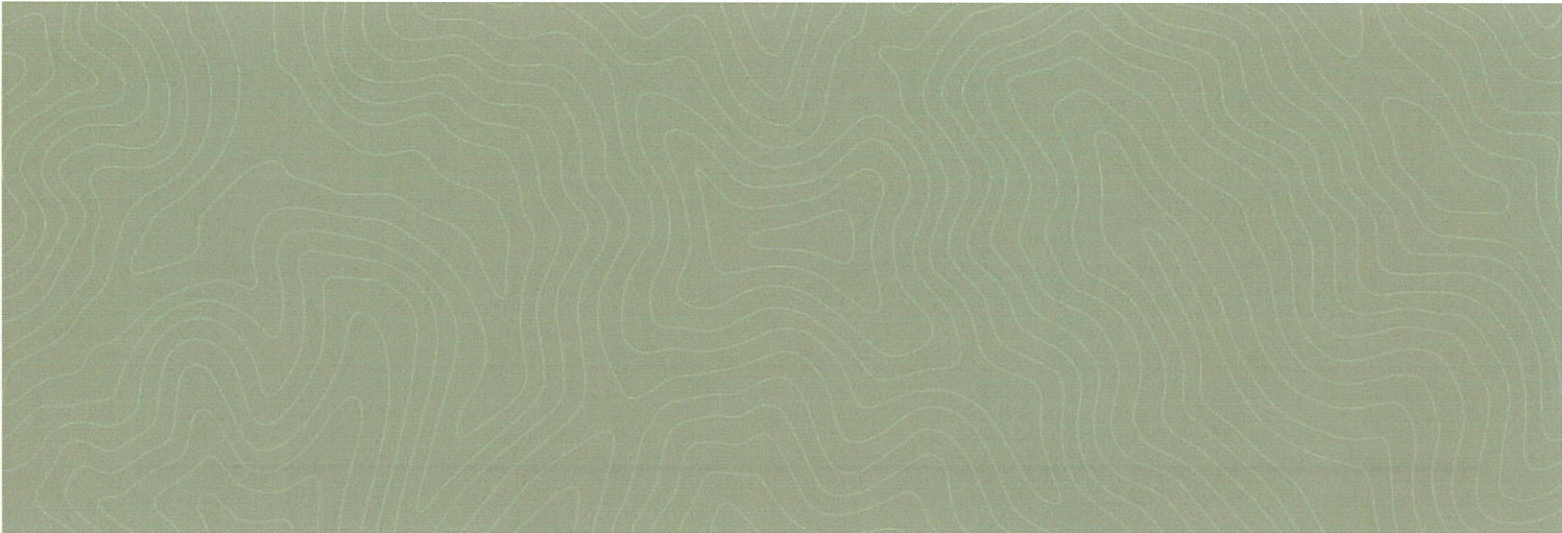


Terry S. Shilling

TSS/jla

enclosure

APPENDIX B



ROUTINE INSPECTION FORM		
Republic Steel Corporation Quarry Elyria, Ohio		Inspector: _____ Date: _____
	Observations	Follow-up Action Needed
A. Are warning signs present in locations as documented in the Institutional Control Plan.		
B. Are warning signs visible and legible.		
C. Are there any observed areas of vandalism or damage to the perimeter fence.		
D. Are there any signs of trespassing.		
E. Is the perimeter fence free of vegetation growth that could impair the observation of warning signs or damage to the fence.		
F. Are locks in place and locked at all gates to prevent access to the Site (see the institutional control plan for locations of all gates).		
G. Additional Observations		

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ANNUAL EVALUATION OF LONG-TERM STEWARDSHIP (LTS) EFFECTIVENESS ACTIONS

		INSTITUTIONAL CONTROL IS IN PLACE AND FUNCTIONING AS INTENDED	
		YES	NO
INSTITUTIONAL CONTROL:	RESTRICT PROPERTY TO HEAVY INDUSTRIAL (H-I) USES ONLY		
LTS ACTION:	Verify that the quarry property is restricted to H-I uses only		
INSTITUTIONAL CONTROL:	PROHIBIT THE USE OF GROUNDWATER AS A SOURCE OF DRINKING WATER		
LTS ACTION:	Verify that the use of groundwater at the quarry site is prohibited		
INSTITUTIONAL CONTROL:	REQUIRE THE USE OF ELYRIA MUNICIPAL WATER AS SOLE SOURCE OF POTABLE WATER		
LTS ACTION:	Verify that the Elyria municipal water supply is the only source of potable water at the quarry site		
INSTITUTIONAL CONTROL:	REQUIRE THE POSTING OF WARNING SIGNS TO KEEP OFF THE QUARRY SITE		
LTS ACTION:	Perform periodic inspections of the quarry site as per the ICOMP		
LTS ACTION:	Observe condition of the warning signs		
LTS ACTION:	Determine if signs are in proper locations as per Figure 2 of the ICOMP		
LTS ACTION:	Replace missing/vandalized signs, as needed		
LTS ACTION:	Post signs on perimeter fence advising that premises are under 24-hour video surveillance		
LTS ACTION:	Post No Fishing/No Swimming signs on perimeter fence		
LTS ACTION:	Post signs inside the quarry fence on sign posts to prevent vandalism of signs		
LTS ACTION:	Post signs on Riverside Drive with EPD phone number for reporting trespassers at quarry		
INSTITUTIONAL CONTROL:	REQUIRE MAINTENANCE OF THE PERIMETER FENCE		
LTS ACTION:	Perform periodic inspections of the quarry site as per the ICOMP		
LTS ACTION:	Observe condition of the perimeter fence for signs of damage/vandalism		
LTS ACTION:	Repair perimeter fence, as needed, to reduce trespassing onto the quarry site		
LTS ACTION:	Observe condition of gate locks and replace as needed		
LTS ACTION:	Observe vegetation growth around perimeter fence for obstructions to signs and site visibility		
LTS ACTION:	Call contractor or City personnel to remove vegetation as needed		
INSTITUTIONAL CONTROL:	PROHIBIT FISHING, SWIMMING AND BOATING IN THE QUARRY		
LTS ACTION:	Perform periodic inspections of the quarry site as per the ICOMP		
LTS ACTION:	misc		
LTS ACTION:	Determine if signs are in proper locations as per Figure 2 of the ICOMP		
LTS ACTION:	Replace missing/vandalized signs, as needed		
LTS ACTION:	Post signs on perimeter fence advising that premises are under 24-hour video surveillance		
LTS ACTION:	Post No Fishing/No Swimming signs on perimeter fence		
LTS ACTION:	Post signs inside the quarry fence on sign posts to prevent vandalism of signs		

ANNUAL EVALUATION OF LONG-TERM STEWARDSHIP (LTS) EFFECTIVENESS ACTIONS

		INSTITUTIONAL CONTROL IS IN PLACE AND FUNCTIONING AS INTENDED	
		YES	NO
LTS ACTION:	Perform periodic inspections of the quarry site as per the ICOMP		
LTS ACTION:	Observe condition of the perimeter fence for signs of damage/vandalism		
LTS ACTION:	Repair perimeter fence, as needed, to reduce trespassing onto the quarry site		
LTS ACTION:	Observe condition of gate locks and replace as needed		

INSTITUTIONAL CONTROL:	PROHIBIT PUBLIC ACCESS OR USE OF THE QUARRY, ITS SEDIMENTS AND SOIL		
LTS ACTION:	Perform periodic inspections of the quarry site as per the ICOMP		
LTS ACTION:	Observe condition of the warning signs		
LTS ACTION:	Determine if signs are in proper locations as per Figure 2 of the ICOMP		
LTS ACTION:	Replace missing/vandalized signs, as needed		
LTS ACTION:	Post signs on perimeter fence advising that premises are under 24-hour video surveillance		
LTS ACTION:	Post No Fishing/No Swimming signs on perimeter fence		
LTS ACTION:	Post signs inside the quarry fence on sign posts to prevent vandalism of signs		
LTS ACTION:	Post signs on Riverside Drive with EPD phone number for reporting trespassers at quarry		
LTS ACTION:	Perform periodic inspections of the quarry site as per the ICOMP		
LTS ACTION:	Observe condition of the perimeter fence for signs of damage/vandalism		
LTS ACTION:	Repair perimeter fence, as needed, to reduce trespassing onto the quarry site		
LTS ACTION:	Observe condition of gate locks and replace as needed		
LTS ACTION:	Install a solar CCTV camera/Wi-Fi system with feed to EPD		
LTS ACTION:	Increased summertime presence of City of Elyria personnel near the quarry site		
	*Patrols by EPD near quarry site		
	*Use of EPD Drone Team at the quarry site, as available		
	*Use of Industrial Pretreatment Inspectors, others, as available		