



**Minutes of the
Rescheduled Environmental Affairs Advisory Board Meeting
Tuesday, March 5, 2024
Avon Lake Public Library, Waugaman Gallery**

The meeting was called to order at 6:37 p.m. with Chair Naumann presiding and ten others in attendance.

I. Welcome/Attendance

Present: Chair Sam Naumann; Co-chair Jen Miller; citizen members Marty Patton, Malachi Witt, and Terry Wyrock; industry members Scott Cameron (Charah® Solutions) and Mike McCormick (Applied Specialties); Ward I Councilman and ex-officio member Rob Shahmir; and Deputy Clerk of Council Ramona Boggins.

Also Present: Residents Katelynn Hall and William Zimmerman.

Absent: Citizen members Rita George, Kayla Goodwin, Amy Oliver, Terry Robison, Industry members Tom Sulzer (Avient™), Michelle Hall (Ford Motor), and Ron Spears (Lubrizol Corp).

Chair Naumann said David Messinger (Vestolit) will be rejoining the board as an industry member and is planning to attend the next meeting, thanks to Mrs. Goodwin's diligence in making the right connection to make this happen.

Approval of Minutes: Due to a lack of quorum, the February 7 meeting minutes will be approved at the next meeting.

II. Residential Accountability

- 1) Update on the Northeast Ohio Resilient Cities and Counties Leadership-and-Learning Cohort: Chair Naumann
 - Chair Naumann said he spoke with Planning and Zoning (P&Z) Manager Kelly La Rosa, who is pulling reports from past projects other municipalities have done to help serve as the framework for ways in which we can engage EAAB.
 - Chair Naumann planned to meet with P&Z Manager La Rosa next week to further discuss this and will report the details of their discussion at the next EAAB meeting.

- 2) Update of the Power Plant Land Lease Initiative: Chair Naumann and Mr. Witt

- Chair Naumann said that earlier in the day he, Mr. Witt, and Mr. Robison met with Community Development Director Ted Esborn, P&Z Manager La Rosa, and a few other staff members at City Hall to discuss this and two other topics.
- Mr. Witt said the discussion included what actions could be taken to move things along concerning testing, and Mr. Shahmir helped him understand that this is all rolled into the contractual process of purchasing land.
 - ALERG information would be validated and verified, then the gaps can be filled in where testing may not have been done or done adequately.
 - There is no immediate action to take because it will happen when the purchase takes place.
- Mr. Witt said he and Director Esborn will approach Verdantas to get an outline of what that purchasing process looks like at a “high level” and what all the “high-level” steps are.
 - Everyone involved in the purchasing of the property will have that plan/outline going in so there is full disclosure.
 - Sediment testing will happen during the purchase process.
- Mr. Witt said he enjoyed sharing in the conversation with Mr. Robison and Chair Naumann at the meeting and felt supported and not alone. He encouraged everyone to reach out and work together to take advantage of the different skills represented in the group.
- Mr. Zimmerman asked what the zoning was in the area of the Power Plant, and Mr. Shahmir said it was industrial.
 - Mr. Zimmerman then asked if it was simply industrial or B-1, and Mr. Shahmir didn’t have any further information.
 - Mr. Cameron added that the Plant property is industrial and will ask to be rezoned at a later date.
 - Mr. Zimmerman said he thought there was a six-month moratorium on changing the zoning, and that was two or three months ago. That date will be coming soon, and they’ll be looking to either continue the moratorium or change it. He wondered how quickly that was going to happen.
 - Chair Naumann said he appreciated the question because it was at the top of everyone’s mind as it relates to the environmental impact of rezoning a district like that.
 - When it comes to what EAAB’s scope is and the means they have to influence conversations related to zoning, they have to stick to an environmental focus.
 - If EAAB can have a strong understanding of what an environmental consultant does when they go out on behalf of a client to purchase a property, and the kind of studies they have to do, it gives them a better understanding of what’s possible in that area.

3) Update on Coyotes and Power Plant Cleanup Initiatives: Chair Naumann

- Chair Naumann said Terry Robison represented EAAB well on the coyote topic at the meeting they were at today. Mr. Robison is experienced in wildlife management, from his time with the Cleveland Metroparks, and is putting

together an understanding of what a comprehensive wildlife management plan would look like for Avon Lake.

- This is meant not only to help address the perceived coyote problem in the community but to make sure it's addressing interacting with all wildlife and understanding issues dealing with safety.
 - Mr. Robison is working on gaining an understanding of what resources exist to date.
 - Chair Naumann said Co-chair Miller has been working with the Digital Media team and doing an excellent job of putting out [education about coyotes](#).
 - After education, reinforcement through some other mechanism needs to be put into place, and Mr. Robison is investigating and working on that.
 - Once the completed wildlife management plan has been published it will be put out through a typical change management, holistic approach so residents are aware of it, why it's important, what they need to know, and what they can do with the information.
 - Mr. Zimmerman said that in the past, Council has tried to eradicate some of the deer because they were concerned about all the auto accidents that were occurring. The population has diminished significantly. He didn't know if the City was still culling deer this year or not but wanted to know if coyotes could be culled as well.
 - Chair Naumann summarized some of what Mr. Robison said at the meeting, that the breeding habits of deer and coyotes are fundamentally different. Deer have one or two offspring at a time, whereas the coyote population rises and falls with the available capacity for them. If you cull coyotes, you're not really going to impact their environment, they will just fill the void.
 - Chair Naumann said there is no formal program [sic] for deer management¹ in Avon Lake. The [City has been working with the Ohio Department of Natural Resources](#) (ODNR) and other stakeholders in the County and at the Community level, such as Lorain County Metroparks and the State. They come up with the requirements to make sure everyone stays safe, that it is done sustainably, that the risk of disease is being lowered among the deer population, and that there is a reduction in auto accidents.
 - Mr. Shahmir said coyotes typically mate for life, so when you kill the alpha, the family splits. The one cluster becomes multiple clusters. So, if you go try to cull them, you're only going to multiply their packs. That's one reason coyote culling in areas where it doesn't impact herds of sheep and other livestock is not recommended, based on what Mr. Robison stated.
- 4) Update on High-School Scholarship/Mentorship Program Initiative: Chair Naumann and Mr. Shahmir
- Chair Naumann said that EAAB has money in the budget to offer a scholarship.

¹ Since 2004, the City of Avon Lake has had a formal deer management program. Ord. No. 165-2004, AN ORDINANCE ADOPTING A DEER CULLING PROGRAM FOR THE CITY OF AVON LAKE, was passed on 7/12/2004. Ord. No. 4-2013, AN ORDINANCE ESTABLISHING TOOLS TO MANAGE THE WHITE-TAILED DEER POPULATION WITHIN THE CITY OF AVON LAKE, AND REPEALING ORDINANCE NO. 165-2004, was passed on 01/14/2013.

- Mr. Shahmir said he has discussions with Avon Lake City School Foundation on an approach to an environmental project initiative that would be done on an annual basis. In addition to the budgeted money from EAAB, Mr. Shahmir said he has personally allocated \$2,100 a year to the scholarship fund. Things are moving slowly but they are moving forward.
- 5) Update on HOAs and Developers' Communication Initiative: Co-chair Miller
- Co-chair Miller has been in touch with P&Z Manager La Rosa and now has a more detailed list of HOA presidents and contact information to look up developers. She is working with Amy Oliver to develop a list of topics to address.
- 6) Update on Shoreline Testing Program for the Youth/Young Adults Initiative:
Mr. Patton and Mr. Cameron
- Mr. Patton said that he printed out information from the EPA's website that's more for high school-aged students but mentioned putting this on hold because the shoreline cannot be tested until more information is found out about the initiatives Verdantas will be taking.
 - Mr. Cameron said this could be used for streams, Powdermaker Creek, and other creeks in the City.
 - Industrial businesses run along some City creeks: Circon Environmental, Charah[®] Solutions, Avient[™], Applied Specialties, and others.
 - He asked Zorica Dejanovic, his stormwater representative, about the testing kits but hasn't heard back yet.
 - Mr. Patton had some information on kits from the EPA website but didn't have it with him.
 - He said he would reach back out and schedule something with the high school.
 - Chair Shahmir said he recommends having students do this as a science project in other creeks that are away from Powdermaker Creek.
 - He said the focus on Powdermaker Creek could be through the scholarship program initiative and require specific training.
 - Mr. Cameron suggested sampling different locations in Powdermaker Creek; maybe contaminants are coming in from the City of Avon.
 - If contaminants are found, the information can be presented to City Council.
 - Mr. Patton said the free testing kits are like strips and not for elaborate tests.
 - Mr. McCormick said Applied Specialties does water treatment and has everything in the lab to do the testing; he would need to ask Terry.
 - Chair Naumann said there is plenty of public shoreline to test, implying it wouldn't need to be isolated to the Power Plant area.
 - Mr. Zimmerman said it could be done by boat; go around the other side, in the water, if you want to test by the shoreline.
 - Mr. Cameron said he thought it was for the whole City, not just the Power Plant area; that area would be covered under the purchasing contract.
 - Mr. Patton said students could be involved with gathering samples.
 - Mr. Witt asked Mr. McCormick about the testing process.

- Mr. McCormick said it's extremely elaborate, so he would have to talk to the people at the lab about it.
- Chair Naumann suggested this could be a project for the Eagle Scouts or Boy Scouts.
 - Mr. Patton said Lorain Community College might even be interested.
 - Chair Naumann said there needs to be an outline, a list of stakeholders, and actionable items to turn this and the other initiatives into active programs.
 - Mr. Witt asked if anyone has a contact for the Boy Scouts.

Action: Mr. Shahmir said he has a contact for the Boy Scouts and can share that information by sending an email to those involved.

- Mr. Witt asked Mr. McCormick to find out what tests would be available and/or what Applied Specialties would be willing to run and/or how many.

Action: Mr. McCormick said he would ask what Allied Specialties is willing to do or not do.

Discussion on test kit types, who would do the testing, and where to test.

Action: Chair Naumann said he would forward an email with contact information to Mr. Cameron, maybe he will have better luck connecting with someone at the school.

- 7) Update on Clean Up Avon Lake Day and other key event initiatives: Chair Naumann
- Chair Naumann said that Mrs. Goodwin is in the process of outlining what the year looks like, so there is a list of calendar events that EAAB can be present at.
 - Mayor Spaetzel reached out to Chair Naumann about having several hundred LED lightbulbs that were donated as part of a State environmental program; EAAB can distribute them as they wish.
 - Maybe Mr. Patton can make EAAB stickers to put on each box of lightbulbs.
 - Mr. McCormick expressed concern about the April 8 [Solar Eclipse event](#) and the environmental impact on the community's trash, recycling, and traffic.
 - Chair Naumann said he attended a Kiwanis meeting that Recreation Director Erin Fach was also at where they discussed EAAB offering trash receptacles as a way of helping. Chair Naumann hasn't heard back from Director Fach about this yet.

Action: Mr. Shahmir said he could put Chair Naumann in touch with Director Fach because he's also been in touch with him about the impact and waste management.

Discussion about what local businesses are planning on the day of the Eclipse.

- 8) Update on the Monarch Butterfly initiative: Mr. Wyrock
- Mr. Wyrock said he just finished writing a presentation, titled How to Raise Monarch Butterflies, which he turned over to Co-chair Miller for review. He also has videos, pictures, and a presentation, including speaker Beverly Stives from Avon Lake Garden Club who is more experienced with this topic, that he will be

using for the Environmentally Speaking: [Helping Monarch Butterflies to Thrive](#) event on March 19.

- Mr. Shahmir and Mr. Wyrock are working together on young Hornbeam tree saplings, to be ready for the May 11 giveaway at the Avon Lake Garden Club sale, and information on how to raise Monarchs.

9) Update on the Comprehensive Lake Use Plan initiative: Chair Naumann

- Chair Naumann said EAAB's official recommendation to the City is to talk through what tactical steps are going to happen; a strategy is nothing without a plan, and EAAB wants to know what the plan is.
- He is working with Community Development Director Esborn to set up a few planning sessions, the resulting actionable steps to be delivered to the City Administration and the Community.

Industrial Accountability

1) Applied Specialties: Mr. McCormick

- Mr. McCormick said Applied Specialties is working with a consultant and a group to review implementing [ISO 14001](#)² and [45001](#)³ at their plant, taking the next steps of growing from a small company to a medium size.

2) Charah® Solutions: Mr. Cameron

- Mr. Cameron said Charah® Solutions pulled down the last stack of the old B-house last Tuesday, and existing ductwork on that roof structure that was tied into that stack is now down. Boiler No. 7 can now be removed, and all of the B-house boiler room will be removed. All the original 1920 structures will then be gone, as far as boiler rooms.
- The bricking of the north wall of Turbine Hall (of the old B-house section) was knocked out. Now, instead of a big brick wall, Lake Erie is visible when you leave what used to be the lobby and cross the Turbine Hall floor. The steel structure is still there for the building. The bricks are gone, and boilers 1-8 are almost gone, so you can see all the way to the lake through there.
- Channel 5 was at the Power Plant, and someone interviewed Dan Rogatto, someone in real estate, and the Mayor. The interviews will air on Channel 5 News.
- Mr. Wyrock asked when the next smokestack was coming down.
 - Mr. Cameron said the small stacks on A-house, boilers 9 and 10, are the next two that will be pulled down with excavators and cables. When they get to Unit-9 stack, the tall one on the west end, that one will be blown up. Unit-8 stack, in the middle, near the back, and along the lake, will be blown up. The first blasting period is sometime in May or June, and there should be an announcement in the City when it's going to happen.

² ISO 14001 is the internationally recognized standard for environmental management systems (EMS).

³ ISO 45001 is an international standard that specifies requirements for an occupational health and safety (OH&S) management system.

- Mr. Shahmir asked if Charah® connected their filtration system for Pond 002 and is discharging from it.
 - Mr. Cameron said they discharged this month, and he has the test results. Everything was below detection.
- Mr. Shahmir asked if Charah® was offline from Pond 002 for around 8 months.
 - Mr. Cameron said the last time Charah® discharged from it was May of 2023.
- Mr. Shahmir said a few questions came up at the Community Improvement Corporation (CIC) meeting on February 16. One question was about an email sent by Gary Deigan to the City in response to the City's questions regarding the violation. The stormwater retention pond was previously hydraulically connected to Pond 002 after the treatment system.
 - Mr. Cameron said there was a pump that pumped it into the building that's now gone. That's another update: the coal pile runoff treatment building had the press and other things taken out of it. It used to go from the pond through the coal pile runoff treatment system and pumped over to Pond 002, where it was then filtered through there again before it was discharged.
- Mr. Shahmir asked if it went through Pond 002, where it was filtered and then discharged.
 - Mr. Cameron said it was clarification treated, then it went to Pond 002, where it was run through filters before discharging into the lake.
- Mr. Shahmir said that when he presented this at the CIC meeting, Mr. Deigan said Mr. Shahmir was not correct; there was no hydraulic connection at the time of the violation between the pond near the lake and Pond 002. However, based on Mr. Deigan's email, he states that they were connected.
 - Mr. Cameron said the last time they discharged from Internal Monitoring Point 610, the Coal Yard Runoff Pond, was not after May.⁴
- Mr. Shahmir said that there was no root cause analysis done of why there was an exceedance. The issue was never resolved until the filtration was put in. Charah® never resolved it; they tried to lower the average (based on an email from Brian Peters to the EPA which says they tried to reduce the average and could not, so eight months later they shut down the discharge from Pond 002 until recently).
- Mr. Shahmir asked what caused the failure; did it come through the pond? He said there was a rain event with a lot of water moving through, and that potentially could have caused the issue. Now there is a pond that is connected to the City's stormwater system; it's not supposed to have industrial or construction sites connected to it. This is a direct violation of the City's Stormwater Ordinance.⁵ It is unknown if the water moving through that site is still contaminated with residual coal, arsenic, mercury, or anything else.
 - Referring to a projected image that Mr. Shahmir displayed, Mr. Cameron said the original pond went to the building beside it with a white roof, and then it

⁴ The Pond was disconnected from that outfall in May of 2023 after a Clean Water Act (CWA) violation. The CWA violation was associated with exceedance of permitted mercury levels. According to ALERG communications with Ohio EPA, ALERG was unable to reduce the mercury levels to an allowable level, and accordingly, they shut down all discharge from that outfall. (An email from Rob Shahmir to Mrs. Lisa Shook at the Ohio EPA, dated March 25, 2024.)

⁵ [Ord. No. 1061.06, DISCHARGE PROHIBITIONS.](#)

was pumped over the railroad trestle, along the back road, or pipe rack, that runs along the edge of the lake, then dumped into the first pond.

- Mr. Shahmir said in the letter to the EPA that there was a large rain event, the ponds were hydraulically connected, and there was a violation that could not be controlled by bringing the number within set limits. The site had been in use for a very long time, and there is a lot of coal residue that is still there. The sludge and liner have been taken out, but whatever is still running off this sight ends somewhere.
 - Mr. Cameron said all the stormwater from the old coal pile goes into that ditch, underground, and it ties into the ditch from the other side of the coal pile, and it goes down into where Mr. Shahmir was pointing on the projected image. From there, there's a pipe going down in there that's covered up with gravel; if the level goes above it, it discharges.
- To be clear on the path from start to finish, Mr. Shahmir showed the flow of stormwater on the projected image, showing the outlets, including one to the lake via a public beach. It is unknown whether the discharged water from the pond is or is not contaminated because no risk assessment was ever done; Mr. Shahmir requested it and has not received a response. He said there has been a discussion about EPA approval; he has asked for it and has not received it.
 - Mr. Cameron said there was a permit modification to redirect that flow to the stormwater, to shut down the coal pile runoff treatment system, and it should be on the [EPA's sight](#)⁶ like all permits are.
- Mr. Shahmir asked when the permit was given.
 - Mr. Cameron said it was when they did the tie-in, and he was told that the City Engineer approved the tie-in. Someone was there from Avon Lake Regional Water (ALRW) while they were doing the tie-in and watching the whole job.
 - Mr. Shahmir said ALRW is not the stormwater manager, the City is.
- Mr. Cameron said the City or ALRW paid someone who retired from ALRW to watch and make sure it was done right, but he doesn't know for a fact who paid.
 - Mr. Shahmir said the City cannot find exactly what happened and how it was connected.
- Mr. Cameron said the filtration was part of the permit modification, to demolish the coal pile runoff and do the tie-in.
 - Mr. Shahmir said that wasn't approved until just recently; the pond has been discharging for a while onto the site of a future beach.
- Mr. Cameron asked if the City has a sampling plan for their outfalls because Charah[®] Solutions has to sample the stormwater outfalls every year and send the samples to the EPA.
 - Mr. Shahmir said he has been in touch with ALRW and the City Engineer and cannot get a clear answer from anyone. He wanted to know how that pond ended up being an issue for the City.

⁶ <https://edocpub.epa.ohio.gov/publicportal/edochome.aspx> helped locate the PTI that was granted on 1/19/2024 by Anne M. Vogel of the Ohio EPA.

- Mr. Cameron said he was told it was approved by the City Engineers. Every time he was out on the job, the ALRW vans were watching to make sure they put the correct amount of sand under the piping, that it was filled properly to the top with gravel, and that everything was done by code.
 - Co-chair Miller asked what the time frame was for that.
 - Mr. Cameron said it was last fall (October, November, or December).
- Mr. Shahmir said Bramhall Engineering had done the surface work, and Mr. Cameron said he thought that's who did the approval. Mr. Shahmir said Bramhall Engineering could not do the approval because they had done the engineering for Charah® Solutions and it would be a conflict of interest.
- Mr. Shahmir said ALRW, or Jack Gaydar, might have approved it, and Mr. Cameron said he remembers hearing Mr. Gaydar's name mentioned.
 - Mr. Shahmir said Mr. Gaydar did the review but does not have the authority to approve the connection because ALRW is not the stormwater manager. He spoke with City Engineer Chris Howard, also the City's stormwater manager, who said he never gave them the authority or approval to connect.
- Mr. Cameron said he was not aware of that and Bramhall Engineering sent the plans to someone in the City, maybe ALRW.
 - Mr. Shahmir said it is [public knowledge](#)⁷ that ALRW (the City of Avon Lake) is buying that area, the coal yard, including the pond.
- Mr. Shahmir asked what the basis was for connecting a pond to the stormwater system that goes right into the lake.
 - Mr. Cameron said he knows Deigan & Associates did sampling of that pond but doesn't know what the results were.
- Mr. Shahmir said there is a sign on the beach that states it is a designated swim area and public beach, and it's a designated discharge area. There are fundamental problems/questions that no one seems to be able to answer.
 - Mr. Cameron, again, said he was told the City Engineer approved the tie-in but wasn't there the day it was done.
- Mr. Witt asked what the next step is now that the tie-in has been done.
 - Mr. Shahmir said it's got to be stopped; you can't just discharge when you don't know the contents of the water. The beach has already been impacted and it will get worse.
- Mr. Cameron suggested speaking to Mr. Deigan about it because Deigan & Associates handled the transfer between Bramhall, the City, and the EPA. He was told, as the site environmental person, that it was approved by the City Engineer.
 - Mr. Shahmir said he asked Mr. Deigan, and he said that was not the case. Then, Mr. Shahmir showed Mr. Deigan an email that Mr. Deigan sent to the City.⁸
- Mr. Cameron asked who in the City can permit the tie into the stormwater.
 - Mr. Shahmir said it is the stormwater manager, Chris Howard.

⁷ Ord. No. 24-28: AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A PURCHASE AGREEMENT TO PURCHASE 35.38 ACRES ON LAKE ROAD FROM AVON LAKE ENVIRONMENTAL REDEVELOPMENT GROUP, LLC, AND DECLARING AN EMERGENCY.

⁸ In an email from Robert Munro to Gary Deigan, Mr. Munro states, "Please see the email below from Jack Gaydar confirming his approval of the plans." In an email from Jack Gaydar to Rob Munro and Chris Howard, Mr. Gaydar states, "I find the above documentation to be acceptable for the analysis, storage, and conveyance of stormwater from the parcels." (However, the previous statement only pertains to the hydrologic analysis and not the quality of the surface water runoff.)

- Mr. Zimmerman asked where the permit was that was modified.
 - Mr. Cameron said that is the National Pollutant Discharge Elimination System (NPDES) permit. Charah® Solutions put in a separate treatment system. The limit for low-level mercury is 2.6 parts per trillion (ppt), which is lower than the drinking water standard of 12 ppt. To put it in perspective, the exceedance of the limit is a very minute amount. The daily limit was never exceeded; the monthly limit is what was exceeded, where all the samples for the month were averaged out.
- The root cause of that overage was never found, and that is the unanswered question everyone has.
 - Mr. Cameron said it was coal ash. He sampled everything that went into that pond to find out where the low-level mercury came from. It came from one source, and it was not that pond; it was not that pond across the street. Upon determining the source, had it cleaned, power-washed, and retested. The results of that testing were below the limits.
- Mr. Shahmir asked why they didn't go through a root cause analysis.
 - Mr. Cameron said he didn't know and thought Dan Rogatto was told that it was from ash washing into the sump, and it raised mercury levels; flash has small traces of mercury in it. There was heavy rain at the time the silos were being cleaned and torn down. The sumps are there to collect debris, so it doesn't get to the ponds and the lake.
- Mr. Zimmerman asked about the retired ALRW person referenced earlier.
 - Mr. Cameron said he was retiring from ALRW, and they brought him back to oversee jobs that were being done.
 - Mr. Shahmir asked if it was Jack Gaydar.
 - Mr. Cameron said he worked for ALRW and was possibly an older man, and he doesn't remember his name after speaking with him only one time when they were doing the tie-in; the ALRW van was there. Mr. Cameron said the man said ALRW pays him to oversee jobs when they're really busy and they don't have someone to do it.
 - Everyone agreed that this unnamed person could be an important link to finding out who authorized the tie-in.
 - Mr. Cameron said someone knew they were doing it because Charah® Solution's contractor, Kelly Brothers, would not have done that without permission from the City.

The meeting was adjourned at 7:43 p.m.

Submitted by Ramona Boggins, Deputy Clerk of Council

/s/ Ramona Boggins