

# AVON LAKE COMMUNITY IMPROVEMENT CORPORATION

Regular Public Meeting  
Avon Lake City Hall Council Chambers  
and Virtual  
July 14, 2023  
9:00 A.M.

## **I. Attendance**

Directors attending the meeting in person were Ted Esborn, Mayor Greg Zilka, Nathan Deutsch, Ron Kovach, and Steve Luca. Directors attending virtually were Councilman Zach Arnold and Janice Lapina.

## **II. Approval of Minutes from June 16 Meeting**

Mayor Zilka made a motion to approve the minutes from the June 16 meeting. Ron Kovach second. Motion approved, 7-0.

## **III. Update on CIC Finances**

Ted Esborn reported:

- a. Expenditures
  - i. Pursuant to 3-year agreement signed in 2021:
    - 1. \$1,600 to Zupka & Associates for Basic Financials, Fiscal Year 2022 (6/21/23)
    - 2. \$700 to Zupka & Associates for 990-EZ (6/21/23)
  - b. Account Balance of \$37,541.55

## **IV. Status Updates since June Meeting from ALERG**

### **a. Environmental Update on Remediation Progress**

Dan Rogatto began. "Let's first talk about safety. To date, we've had 2,700 accident free hours. Our last incident was back in March. We've had no security issues since June 5th when we actually had a trespasser arrested on site. We've increased some fencing, tightened up some areas. We're all hoping that leads us to a safe work site. We continue having our Safety Committee meeting, which meets biweekly. Thirty on site workers are first aid and CPR trained."

Mr. Rogatto continued. “On the environmental side, Kelly Brothers, a local contractor, has started the construction of the multi-use trail or bike trail in the former coal yard. They’re using compacted embankment, which is mixture of mostly unrecoverable poles, lines, and soil from the yard. They’re basically using that as a base for the future bike path or multi use trail that we started about 2-3 weeks ago and we’re anticipating a late summer completion on that. It’s moving along pretty good. The city has approved the engineering and drawings of our reroute of the former stormwater pond to a city stormwater drain—that was approved on July 11.”

“Phase two environmental soil and groundwater testing was completed in June on the north side of Lake Rd. Results of expanded soil lab analysis continue to demonstrate favorable site reuse and development conditions.”

Mr. Rogatto went on to discuss environmental risk reduction. “We started talking about this two or three months ago, just to give everybody an update of what environmental risks on the site we’re reducing or removing. If you go back when we started the project, we sealed the tunnels that go out to the lake; that’s all done. There’s no way for water to get into the plant from the lake or from the plant out. Offsite coal removal was completed around January of this year. Offsite asbestos—that was the highlight of last month’s update—is complete. Early on, we did the off-site removal of our radiation sources in our precipitators. Those had to be all removed and disposed of according to compliance methods. We made a substantial reduction in our NPDS discharges just from the sheer amount of volume. And obviously since the plant is not operating, the loading of that water is a lot less too. As far as any kind of material like universal waste, mercury containing devices, bulbs, batteries—all that stuff is in process as they look at demolishing a certain area. We’re starting the process of fly ash removal in the next week or so from the Unit 9 ash silos. Off-site transformer oil will then be removed. And then our goal is to achieve Ohio Voluntary Action Program risk based standards for all soil and groundwater.”

Gary Deigan of Deigan & Associates, Ohio certified professional and 3rd party consultant to ALERG, spoke next on the environmental aspects. “We put a drilling crew and a sampling crew out in June. They collected more soil and groundwater samples. There is intensity and the comprehensive coverage that we’re starting to achieve with our boring program and our groundwater monitoring well program. We first went out in September of 2022 and we put 33 borings and seven wells and gathered data from those. And then we did what’s called a ‘step out.’ You step out from those initial borings and wells and provide yourself some more coverage for uncertain areas of the site where you haven’t yet investigated.

“There was a lot of intense activity at the old transformer maintenance building that could have resulted in environmental releases,” Deigan continued. “Right next to the transformer building was the waste storage area; it was a constructed concrete pad at good integrity. But sometimes things happen in the old days where there could have been a release from there. For that reason, intense coverage of borings was done in that area, as well as wells, sampling, and analysis. We also focused around the ponds that are heading toward Lake Erie. We have good coverage around the ponds and this represents down gradient. Water moves from Lake Road underground toward Lake Erie, and it follows topography as well as the hydraulic gradient that exists underground. There is good intensity of wells and borings along the Lake Erie side all the way across the plant to the west side as well. And that gives us a good indication as to whether something was a historic release from the main plant area—its path of migration would have been toward that Lake Erie site. So we’re intercepting and investigating prior to anything having reached Lake Erie.”

Deigan went on. "The only area where we have not yet investigated thoroughly is the area where the turbine hall is, and that's simply because we don't have safe access to that area yet. There will be some subsequent investigation work that is done in those areas and it will all go into a phase two comprehensive report. We have 43 boring locations within the two stages of investigation, and 10 monitoring wells. And when we do a boring, we take two samples for each boring. We want to know what's going on in the zero to two foot range at the surface of the soil. If there was a spill or release, there should be evidence of it in the upper two feet of the surface soil. We also log the boring all the way down with a field engineer. He has a meter with which he's checking various conditions of the soil. He might check at 7 feet. It might be 10 feet, it might be 20 feet. It depends on what the boring location and depth is. And we analyzed those samples at the lab. So that puts us at 86 soil samples for the 43 borings. Of those 86 samples, we are seeing only two locations that are called out for an exceedance of the direct contact Ohio Voluntary action program arsenic standard. The arsenic standard is 100 parts per million. In one spot, at the five to six foot range, the measure was 151 parts per million, not at all concerning. A nominal exceedance. And these are the only two locations along the entire plant in the 86 soil samples where we have nominal exceedances of the Ohio VAP standards. We're feeling really good about that."

"We also collected more groundwater data," Deigan said, "and we just got that lab data late last night and we'll be plotting that. We can report that at the August meeting to CIC. Our data demonstrates that we put our wells in a proper location in order to find potential contaminants. That's good justification for why we put the wells where we put them; they're designed and installed so that we can find problems if problems were to exist. And so far we're not seeing any groundwater impacts that are of concern at all."

Deigan went on, "This power plant is located on a geologic formation that is very favorable for protection of the aquifer and protection of contaminant migration. During this last round, we were able to penetrate the shale layer down to 37 feet. And we confirmed that low permeability shale layer exists all the way down to 37 feet and beyond because we were drilling on that for six hours and we hit refusal. This confirms the conditions that we expected to be underneath this. And it was great news for us to be able to make that determination.

Todd Davis, outside counsel to the city, asked for clarification on one point. "Of the contaminants of concern that you sampled for in soil and groundwater proximate to the Transformer House, did that sampling include sampling for PCB's?"

Deigan replied, "Absolutely Todd. It includes the entire Ohio VAP list."

Davis said "I suspected that that was the case. I just wanted to make it clear for people who aren't as familiar."

Deigan said, "That's a good question. I didn't get into all the nitty gritty details of what the analysis said. But at both depths, no exceedances whatsoever for volatile semi volatiles, PCB's and metals.

"That's great news," said Mr. Davis. "One other question. Not to be premature, but just to address an issue that was historically raised in previous meetings by Mr. Shahmir. He had identified some potential preferential pathways and old sewer systems or old sewer pipes. Is that part of your sampling protocol or decision making with respect to where you place the wells and do you think that the coverage that

you have—which seems to me to be good coverage—did it address those potential concerns or is that still in process?”

Mr. Deigan answered, “It certainly addressed them. And we are continuing the process as demolition takes place. There will be new areas of the site that we haven't had access to, but I think we found the locations that best represent where that could have been.”

#### **b. Demolition Update on Progress**

“Moving on to demolition,” said Mr. Rogatto, “obviously anybody that's been driving by the plant has been seeing progress going from west to east. We've lately been concentrating on the Unit 9 precipitator building, and it is now completely removed.”

Rogatto continued. “We are doing the demo on the ductwork, which is up pretty high in the air with all the associated support steel. We will be working on taking down the final transmission lines next week. It will be very similar to the last ones, where they didn't shut down the road, they just did momentary traffic stops while they took the lines down. So far we've removed 12,000 tons of scrap, that's 1,100 trucks leaving the plant.

Mayor Zilka said, “Dan, one thing I missed at the last meeting, and Mr. Shahmir brought it up at our Council meeting, is that coal fines are being used as the base for the bike path. I didn't know that, and I challenged him on that. Could someone in the room comment on coal fines and their potential danger to the soil?”

“Good question, Mayor,” said Mr. Deigan. “We tested those coal fines on numerous occasions before we made the decision to incorporate those into the bike trail. They are going in the lower levels of the bike trail. They will be covered up with soil that does not have as much coal fine in it and at the end of the trail completion project, our firm will be sampling the upper two feet of that entire length of trail to make sure there's no direct contact exposure conditions. And if there is, we've made arrangements with Avon Lake Regional Water to borrow clean residential soil that they have stockpiled next to the coal yard area. When we're done, that trail will not have any environmental conditions in the upper two feet that would be of concern to users of the property.”

“So the concerns about mercury and arsenic would be minimal if, if anything?” Mayor Zilka asked.

“That's correct,” said Deigan, “The coal fines that we've tested meet the direct contact standards in the Ohio VAP program right now without cover, which is why we decided, along with Ohio EPA, that the coal fines are acceptable.”

Mayor Zilka asked, “Would there be any water run off overtime permitting down to layers beyond the coal fines and carrying anything out to the Powdermaker Creek area?”

Mr. Diegan said, “That would not happen. We have groundwater monitoring wells throughout the coal yard property right now. And we have been monitoring those water quality wells. The condition has been favorable in that the amount of coal that was stored on that property for years and years and years has not affected groundwater quality on that property, so this would represent even less risk than when the coal was out there by itself.”

Councilman Zach Arnold said, “Thank you, Mayor Zilka, for bringing that up. If there's an opportunity to do it right with the clean soil, why not just do that? Instead of trying to lay the other soil and then pull it all up again if it doesn't work?”

Mr. Deigan said “We have this material that's already there that we need to do something with. So it's making good use of what's already there.”

Todd Davis commented, “That is a very common goal with the EPA, to beneficially reuse material, especially as Gary explained it. As long as you're meeting your point of compliance and the material is appropriately reused, it's actually encouraged by Ohio EPA.”

Mr. Rogatto concluded. “Our project schedule right now has our site restoration date at the end of 2024. The only thing that's changed is that asbestos was completed in the middle of June. So that's really the only thing that's changed. Any questions, comments.

### **c. Redevelopment Update**

Dick Shields of Avison Young provided this update. “We continue to see interest in the properties. As relates to those properties South of Lake Rd., we've been working with the buyer for the coal yard and adjacent properties. We continue to market that site as well as what is north of Lake Rd. We conducted a number of tours over the last week that were both industrial and mixed-use. The critical path for us is beginning a dialogue with the city regarding the future use of that property, like access and zoning and incentives. Today we've got our meeting with the city to begin that process and that will really let us downshift and supercharge our marketing. With the availability of this site being somewhere in 2025, we're trying to ride that as effectively as possible, positioning the property while working in partnership with the city to make the best use of this site. So we've got some work together to do to make that happen.”

### **V. Public Comment**

KC Zuber, 216 Moore Rd., said “You had three people speak out of turn. The only people that should be speaking during the meeting, until public comment, should be members of the board. I would hope in the future to make sure that you follow that particular protocol so that we don't have members of the audience just shooting out questions. I did have a question on the bike trail, but that's been answered. You talked about the fly ash removal in process. The other thing is you talked about the VAP list that you've tested for. Can we get a copy of what the VA P list is? What are all those different things that are tested for in the sampling? The final thing, can we get copies of the data that you have for all these borings that you talked about? That would be a good thing for us to have to go over. That's really all I have. Thanks.”

### **VI. Scheduled Meetings**

- a. Friday, August 11, 9am
- b. Thursday, September 7, 7pm

Mayor asked, "At that 7:00 PM meeting in September, would there be a broader overview for people who have not been able to attend these various meetings? It would be great to have some summarizing of where we've been and how we've achieved it to some degree.

Ted Esborn replied, "I've certainly thought about that. I wish I knew at this point how many more people would attend but absolutely would we would do sort of a broader overview."

## **VII. Adjournment**

Mayor Zilka made a motion to adjourn. Ron Kovach second. Motion passed, 7-0, meeting adjourned.

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