

Trumbull County Board of Health – Special Meeting
August 9, 2021 – 6:00 PM
Hubbard City Council Chambers
220 W. Liberty St. * Hubbard, Ohio 44425

BOARD MEMBERS PRESENT: Thomas Borocz
Gregory Dubos
Dr. Harold Firster
Kathy Salapata, RN
John “Jack” Simon, Jr.
John Messersmith, President Pro Tempore
Robert Biery, Jr., President

STAFF: Frank Migliozi, MPH, REHS, Health Commissioner
Johnna Ben, Administrative Coordinator

OTHERS: Robert Kokor, Legal Counsel
William Makosky, PE, Lynn, Kittinger & Noble

MINUTES

- I. **The meeting was called to Order & the Pledge of Allegiance was said.**
- II. **Adoption of Agenda: MOTION: 21-89** made by Mrs. Salapata, second by Mr. Messersmith to adopt the agenda as presented.

Roll Call Vote:

Mr. Borocz – Yes
Mr. Dubos – Yes
Dr. Firster – Yes
Mrs. Salapata – Yes
Mr. Simon – Yes
Mr. Messersmith – Yes
Mr. Biery – Yes

Motion carried.

- III. **New Business:** A. Intent to Retire Retired Employee: At the June 23, 2021, Board of Health meeting, the Board accepted the retirement notification of our Administrative Coordinator, Johnna Ben, effective August 31, 2021. She has requested to be rehired to her same position, effective September 1, 2021. Pursuant to ORC 145.381 Re-Employing Retirant, Section (B)(2), between 15 and 30 days before the employment of a re-employed retirant is to begin, the Board must hold a public meeting on the issue of the person being re-employed. Mr. Migliozi recommended that the Board rehire Johnna Ben back to her position of Administrative Coordinator, under the same terms of her current contract, and pursuant to the health district’s policy, ADM-1680 Retire/Rehire Procedure, and ORC 145.381.

MOTION: 21-90 made by Mr. Simon, second by Mr. Messersmith to rehire Johnna Ben back to her position as Administrative Coordinator, effective September 1, 2021, under the same terms of her current contract, and pursuant to the health district's policy, ADM-1680 Retire/Rehire Procedure, and ORC 145.381.

Roll Call Vote:

Mr. Borocz – Yes
Mr. Dubos – Yes
Dr. Firster – Yes
Mrs. Salapata – Yes
Mr. Simon – Yes
Mr. Messersmith – Yes
Mr. Biery – Yes

Motion carried.

B. Trans Rail C&DD License Application: Mr. Migliozi informed the Board that this application had originally been submitted 17 years ago, and currently the health district is not sure whether the application is under Trans Rail or RBS. Atty. Kokor will go over the timeline of what has transpired over the years regarding this application.

Atty. Kokor stated the following:

- May of 2004 Trans Rail filed their original application
- July 2004, the health district sent a notice indicating that the application was incomplete.
- December 2005, HB 397 was passed with new C&DD rules; however, the state determined that applications received before July 2005, would be considered under the old rules.
- June 2006, Trans Rail appealed to the Environmental Review Appeals Commission (ERAC) the health district's determination that the application was incomplete.
- March 2007, ERAC grant the health district's Motion to Dismiss for lack of final appealable order. ERAC also ruled that the health district's ruling was reasonable. Trans Rail had not sought a ruling from the Ohio EPA prior to submitting its application to the health district. Trans Rail also never served the health district request for Ohio EPA ruling, so ERAC did not consider it.
- 2007, Trans Rail appealed to the Tenth District Court of Appeals, and the court reversed ERAC's decision, citing that ERAC does not need final action to act.
- 2009, The health district appealed to the Ohio Supreme Court. The Supreme Court reversed the Tenth District Court of Appeals decision and remanded it back, stating that ERAC's power to order an act is dependent on a final action for jurisdiction.
- 2010, The Tenth District Court of Appeals heard the remand, and ruled that the health district's ruling was not a final appealable order.
- 2012, Trans Rail filed a mandamus action with the Ohio Supreme Court on the Ohio EPA request for determination. The Ohio EPA ruled that the 2004 application was complete, and shall be considered under the old rules.

- July 2012, the health district appealed to ERAC, and they determined that the Ohio EPA decision was reasonable, and this ruling was made May 11, 2021.
- The standard of the review by which ERAC reviewed the Ohio EPA's decision was as follows:
 - o The action was lawful "in accordance with law".
 - o The action was reasonable "in accordance with reason".
 - o ERAC must grant "due deference" to the Ohio EPA Director's interpretation due to special expertise.
 - o ERAC can only reverse the decision if there is no factual foundation for the Ohio EPA's action.
 - o ERAC only determines whether the evidence is of such quantity and quality to provide sound support by a limited weighing of the evidence.
 - o ERAC concluded that the deficiencies relate to technical sufficiency rather than completeness.
 - o Ohio EPA stated that completeness review is separate from a technical review to grant or deny.

In conclusion, Atty. Kokor stated that the Trumbull County Board of Health must take action to approve or deny Trans Rail's application to comply with the 90-day time limit from the May 11, 2021 ERAC decision.

At this time, William Makosy, professional engineer from Lynn, Kittinger & Noble, the civil engineering firm that reviewed the application on behalf of the health district read his report into the record (please see attached).

Following presentation of Mr. Makosky's report, Mr. Biery asked if there was anyone present representing Trans Rail. Mr. Joe Gonda, from Buckeye Civil Design, was present representing Trans Rail. Mr. Gonda asked what the date of the report was that Mr. Makosky read, as he had not yet seen that letter/report. Mr. Makosky replied that it was dated August 6, 2021. Mr. Gonda stated that the original submission of the application contained a "permit" set of drawings, and not necessarily "construction" drawings, and that is why a lot of the detail was not submitted. Construction drawings will come after, and will have more detail, as obtaining a C&DD license is a 2-step process. Mr. Makosky stated that regarding the comment of "permit" drawings, in Ohio Administrative Code, it clearly states that the applicant has to provide and comply with the regulations and documents that have to be a part of the application itself. There are items, such as storm water pollution prevention plan, which has to be submitted prior to the actual construction and placement of debris, but our technical review shows that a number of these items have to be submitted within the application itself. Mr. Gonda replied that everyone looks at things differently, and felt that it was a matter of opinion if the drawings submitted should have contained the information being cited as deficient in Mr. Makosky's report.

Mr. Migliozi stated, based upon the information provided by Lynn, Kittinger & Noble, and the health district's own review of the application, with regard to the leachate collection, it was made clear to both consultants years ago that the health district would not allow recirculation of the leachate, and that detail was to be required in the application. When you recirculate leachate repeatedly, it concentrates the H₂S and there will be nothing but rotten egg smell in this neighborhood, and Mr. Migliozi stated that he would not tolerate that. That information was ignored, and that detail was never given, and that in and of itself, is inexcusable to accept this application; therefore, I am asking that the Board deny this application.

MOTION: 21-91 made by Mr. Dubos, second by Mrs. Salapata to deny the construction & demolition debris application submitted by Trans Rail.

Mr. Gonda stated that one of the submittals that was sent back, showed the leachate tank with the intentions that there would be not recirculation. He apologized if that was not clear enough on that submittal.

Mr. Migliozi responded that they did see that, but there were no calculations demonstrating how it would be managed, where the leachate would be taken to, who is going to accept it, how it is going to be collected. How are you not going to build up over the liner? When one footer of liquid accumulates over the liner that is another area where the facility will emit H2S gas. None of that detail was there. Again, Mr. Gonda replied that that information comes in the construction plans. Mr. Migliozi replied that no, that information needs to come now for the health district to consider the application. Mr. Gonda stated that the wastewater treatment plants where the leachate would be taken, changes their criteria all the time. Mr. Migliozi stated that there is certain information that is required so that the health district can assure that there is not an environmental hazard. We requested that information and it was never received. Mr. Migliozi stated that his recommendation to the Board to deny the application stands.

Roll Call Vote:

Mr. Borocz – Yes
Mr. Dubos – Yes
Dr. Firster – Yes
Mrs. Salapata – Yes
Mr. Simon – Yes
Mr. Messersmith – Yes
Mr. Biery – Yes

Motion carried.

IV. Date of Next Regular Meeting: August 18, 2021 – 1:00 PM

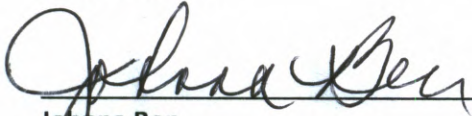
V. Adjournment: MOTION: 21-92 made by Mr. Messersmith, second by Mrs. Salapata to adjourn.

Roll Call Vote:

Mr. Borocz – Yes
Mr. Dubos – Yes
Dr. Firster – Yes
Mrs. Salapata – Yes
Mr. Simon – Yes
Mr. Messersmith – Yes
Mr. Biery – Yes

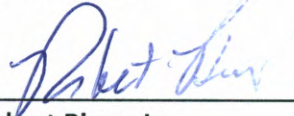
Motion carried. (Adjournment 7:00 PM)

RECORDED BY:



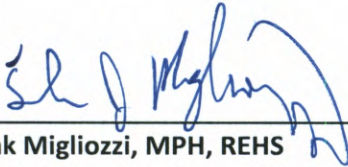
Johanna Ben
Administrative Coordinator
Trumbull County Combined Health District

ATTESTED BY:



Robert Biery, Jr.
President
Trumbull County Board of Health

For



Frank Migliozi, MPH, REHS
Health Commissioner and Secretary
Trumbull County Board of Health

LYNN, KITTINGER & NOBLE, INC.

CONSULTING ENGINEERS AND SURVEYORS



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August 6, 2021

Mr. Frank Migliozi, MPH, REHS/RS, Health Commissioner
Trumbull County Combined Health District
176 Chestnut Avenue, NE
Warren, Ohio 44483

RE: Technical Review Comments for
Trans Rail America C&DD License Application
Hubbard Township, Trumbull County, Ohio

Dear Mr. Migliozi:

According to your request, Lynn, Kittinger & Noble Inc. has performed a technical review of the construction and demolition debris landfill application for Trans Rail America located in Hubbard Township, Trumbull County, Ohio.

As you are aware, the original C&DD application for Trans Rail America was for a new facility and submitted over seventeen (17) years ago in May 2004 by CT Consultants. During the seventeen (17) year period, the County has received numerous plan modifications and technical documents that made up the C&DD Landfill Permit Application. Copies of the plans and documents were provided by your office for our review.

The passage of House Bill 397, signed into law on December 22, 2005, changed some provisions of the current C&DD rules. The bill specifies that an application for a license to establish or modify a C&DD facility submitted to a Board of Health or the EPA prior to July 1, 2005, must be reviewed and the license issued or denied in accordance with the provisions of the Construction and Demolition Debris law as they existed on July 1, 2005. To qualify for consideration under the provision, the applicant must demonstrate that four (4) conditions are met. After a lengthy back-and-forth engagement between the applicant and the County, the Ohio EPA Director determined that the Trans Rail America 2004 license application should be "grandfathered" to House Bill 397 and be reviewed in accordance with the codes as they existed on July 1, 2005. As a result, our technical review was based upon the Construction and Demolition Debris rules Chapters 3745-37 and 3745-400 of the Ohio Administrative Code (OAC) effective September 30, 1996.

Throughout the seventeen year process, many of the previous comments were designed to gain a more complete understanding of the site characterization and engineering design elements proposed for the site. This permits the Health Department Board and staff members to further evaluate the public health and environmental factors involving this project. The request for additional information is well within its regulatory authority. OAC 3745-37-02(A)(3) states that *"For construction and demolition debris facilities, if the licensing authority determines that information in addition to that required by this rule is necessary to determine whether or the application satisfies the requirements of Chapter 3745-400 and 3745-37 of the Administrative Code, the license applicant shall supply such information as a precondition to further consideration of the license application."*

After reviewing the application with the submittals provided by the original engineer, CT Consultants and the revisions submitted by the current engineer, Buckeye Civil Design, LLC, it is our opinion that numerous discrepancies and noncompliant issues are within the application. Following is a brief summary of several OAC compliance items and technical deficiencies we wish to bring to your attention:

OAC & Technical Review Comments

OAC 3745-400-09(C) addresses the site characterization report and necessary of a qualified groundwater scientist. The original report in 2004 list Stephen L. Tompkins of HzW Environmental as the qualified groundwater scientist who prepared and certified the applicable documents. The initial ground water report prepared by Mr. Tompkins was based upon five (5) tests bores performed 12/19/2003. Of these five test bores, only one was within the limits of the debris and additional test were necessary. Twelve years later on 7/24/2015, four (4) additional test bores were completed by Civil & Environmental Consultants (CEC). It is not known if Mr. Tompkins is still with HzW and the qualified groundwater scientist of record. The certification from Mr. Tompkins should reflect that the additional data was reviewed and did not change his initial determination. Comment: To date, the County has not received any documentation or notices indicating a change to the groundwater scientist of record. Any changes in personnel would require a submittal of experience according to OAC 3745-400-09(C)(2) and a new certification stating that the new person is in agreement with the accuracy and completeness of Mr. Tompkins' initial report.

OAC 3745-400-09(C)(5) contains information for collecting specific data used in the hydrogeologic investigation to support the ground water scientist's report. The investigation shall be documented in a narrative report using such maps and cross sections as to clearly convey the nature of the hydrogeology beneath the facility. Test boring logs, laboratory testing data, maps and cross sections were prepared and presented to better understand the hydrogeology. Nine (9) test bores were performed at the site ranged in depth from 30 feet to 49 feet. The table below and attached sheet 4a shows a general summary of the test bore depths and locations:

HzW Environmental (2003 Test Bores)

B-01 35 Feet Deep (No elevations shown)
B-02 30 Feet Deep (No elevations shown)
B-03 48 Feet Deep (No elevations shown)
B-04 49 Feet Deep (No elevations shown)
B-05 32 Feet Deep (No elevations shown)

CEC (2015 Test Bores)

B-201 39.7 Feet Deep (Backfilled Immediately)
B-202 39 Feet Deep (Backfilled Immediately)
B-203 36 Feet Deep (Collapsed at 19' bgs)
B-204 36 Feet Deep (Collapsed at 6.8' bgs)
bgs = Below Ground Surface

Mr. Frank Migliozi, MPH, REHS/RS [8/06/2021]
Technical Review Comments for
Trans Rail America C&DD License Application
Hubbard Township, Trumbull County, Ohio
Page: 3

Within the Site Characterization Report, the ground water scientist stated that *"the upper perched zone does not meet the definition of an aquifer system."* It is unclear how that statement could be made because according to OAC 3745-400-01(C), the following three criteria are necessary: (1) *yields less than three gallons per minute but greater than one-tenth of a gallon per minute.* (2) *The ground water yield is less than fifty percent of the yield of another saturated zone present under the facility.* (3) *Which is the likely source of water used for any purpose within one mile of the facility.* The applicant has not drilled to another saturated zone within the bedrock beneath the facility or demonstrated that the yield of the two-inch test well is comparable to the nearby residential wells of a larger diameter.

The ground water scientist went on to say that *"The upper-most aquifer system which, based upon the data from ODNR, is located within the underlying bedrock material at an approximate depth of 60 to 80 feet"*. According to OAC 3745-400-09(C)(5)(c) which states, *"when ground water monitoring is required for a facility, a description and documentation of the first continuous significant zone of saturation underlying the facility. This description and documentation shall include the depth to the lateral and vertical extent of the first continuous significant zone of saturation underlying the facility."* The nine (9) test bores completed at the Trans Rail site were not drilled deep enough to determine the actual upper-most aquifer elevation or accurately characterize the geology beneath the proposed landfill. The upper-most aquifer elevation was assumed and not confirmed. This data showing the top of the uppermost aquifer system must also be shown on the cross sections [OAC 3745-400-07(F)(4)(b)].

The uppermost aquifer and the hydrogeology beneath the facility is not clearly defined. The 5-foot isolation distance beneath the bottom of landfill debris and the uppermost aquifer have to be further reviewed and confirmed. When questioned in a previous review comment about the upper aquifer and perched zone, no detail response was received. It remains a valid and unanswered question. Furthermore, without a clearly defined hydrogeology beneath the facility, procedures for collection of representative samples for the ground water monitoring are not adequately defined. A final summary as to whether the standards established in rule 3745-400-06 was not provided.

Furthermore, within the public and private water supply wells section of the ground water scientist's report, it states *"Site reconnaissance reveals the presence of at least four (4) residential properties within 1,000 feet of the site, along Drummond Road. A well casing was visible at one of the houses. This area is LIKELY hydrologically downgradient of the site."* According to OAC 3745-400-09(C)(4)(f), *"A map showing the location of the facility and all water supply wells within one thousand five hundred feet of the limits of debris placement"* shall be provided. The active wells for the residential properties along Drummond Road were not field located or shown on the drawings. In addition, OAC 3745-400-09(C)(5)(c), states the *"Narrative cross sections, and potentiometric maps, shall include the DIRECTION OF FLOW within the first continuous significant zone of saturation underlying the facility."* The report has insufficient information and is not in compliance with the listed OAC requirements.

Additional Comment: The proposed location of the landfill is in close proximity to a major underground water aquifer (Haiker 1979) and several abandoned mines which were constructed during the late 1800's (Reference attached information). The general history of the surrounding mines and effects on the aquifer system should be reflected in the narrative along with possible actions if unforeseen conditions occur.

Mr. Frank Migliozi, MPH, REHS/RS [8/06/2021]
Technical Review Comments for
Trans Rail America C&DD License Application
Hubbard Township, Trumbull County, Ohio
Page: 4

OAC 3745-400-07(F) states *"The facility construction design plan, which shall include the liner and leachate collection system designs, shall be signed and sealed by a professional engineer registered in Ohio."* The initial drawings and calculations submitted in 2004 by CT Consultants were signed and dated by Owen Karickhoff, PE but his engineering seal was not visible. Mr. Karickhoff's professional engineering license expired 12/31/2019 and his current status is inactive. The drawings and calculations provided by Buckeye Civil Design, LLC were missing the required seal, signature and date on all submitted drawings. A complete set of 24"x36" drawings at a scale of one inch equals no greater than 200 feet and contours no greater than five feet with the engineering seal, signature, and date was unavailable.

OAC 3745-37-02(E)(6) All financial assurance documentation required by Rule 3745-400-13 of the Administrative Code shall be included with a C&DD license application. Trans Rail America provided an irrevocable letter of credit (#3078589) dated November 23, 2005 which was not to exceed \$75,875.00 and contained an expiration date of January 2, 2007 with an annual extension (Reference attachment). The original application was Trans Rail America, Inc. Capitol Heights, MD. The Trumbull County Recorder's office shows a quit-claim deed from Trans Rail America to RBS-Ohio, LLC dated June 22, 2012. The status of Trans Rail America in the jurisdiction of Maryland was listed as forfeited. For domestic corporations, this also means that the business has no existence under the laws of the State of Maryland. The financial assurance documents, calculation worksheets, letter of credit, and environmental covenants (if necessary) need revised accordingly and submitted. Signatures and title of officials issuing institution with date should be a part of the document.

OAC 3745-400-11(F)(3) states that *"The owner or operator shall deposit incoming loads of debris at a designated unloading zone where the debris shall be inspected and prohibited wastes shall be removed, unless the owner or operator has received approval of and has implemented a pre-acceptance debris screening program at the facility."* Because Tab 10 of the application was not marked, an unloading zone has to be established as outline in OAC 3745-37-02 (E)(7)(c). Information regarding the loading zone was not seen within the narrative or drawings to determine compliance with this OAC requirement.

In the 2004 permit application, CT Consultants submitted drawings showing calculations for the volume of debris, anticipated life of the facility, and cap erosion. The calculated data was based upon a design different than the Buckeye Civil Design plan. The total limits of debris remained at 20.5 acres, but the debris area footprint, depth, bottom slope and location were all changed. The calculations submitted by CT Consultants do not reflect the revised plan provided by Buckeye Civil Design. No revised set of calculations with an engineer's seal from Buckeye Civil Designed were provided. The design calculations with references to equations, site specific input and assumptions shall be signed by an engineer and in accordance with OAC 3745-400-07(F)(6) and OAC 3745-37-02(E)(5).

The Trans Rail America property contains 172.186 acres of land. In September 2016, Davey Resource Group provided a wetland delineation report of 38 acres which will be within the vicinity of the limit of debris. The delineation report listed two wetlands totaling 0.019 acres and 230 L.F. of an ephemeral stream (flows only briefly during and following a period of rainfall in the immediate locality) would be impacted. No category 3 wetlands were listed. The Army Corp of Engineers issued a pre-jurisdictional determination letter concurring with the wetlands shown in the September 26, 2016 report. This report did not involve

other areas within the Trans Rail site or the impacts of construction. For example, the 20.5 acre debris area will be excavated 30 to 40 feet deep beneath the existing ground surface. This would amount to 1 to 1.3 million cubic yards of excavated material. The debris placement plan did not provide environmental impacts resulting from stockpiling and hauling the excavated materials, borrow pits, cover material (including weekly fire protection) or temporary roads. The specific on-site and/or off-site locations of where the material came from has to be shown in relationship to the wetlands and streams. Based upon the enclosed copy of the national wetlands inventory map which was part of the 2016 delineation, pockets of wetlands and waterways surround the 38-acre study area. The report did not incorporate impacts to wetlands or streams on the entire 172.186 acre parcel. OAC 3745-400-01(G) states "*For the purpose of siting a new construction and demolition debris facility, Rule 3745-400-06 of the Administrative Code requires that the entire facility, not merely the limits of construction and demolition debris placement, be located in areas not prohibited by statute.*" The report was limited and did not comment on disturbances beyond the 38 acre study area. The environmental impact due to construction is likely beyond 0.019 acres and 230 L.F. of stream as stated in the wetland delineation report. Future permits will be required prior to construction, but the debris placement plan lacked sufficient information.

The 2004 application identified the entire 20.5 acres within the facility property line as a proposed active licensed disposal area (ALDA). A revised narrative noted 5 acres as ALDA and 15.5 acres as inactive (ILDA). The delineation of the areas and construction sequence for both were not shown according to OAC 3745-37-02(E)(3) & (4).

OAC 3745-37-02(E)(7)(a)(v) states that a debris placement plan shall include the "*Direction of flow for all surface waters at the facility, including the location of all run-on and run-off controls (e.g. ditches) for the limits of debris placement. The location of any storm water, erosion and sediment controls required by the clean water act and regulated by the Ohio EPA division of Surface Water (e.g. sedimentation pond, etc.).*" A storm water pollution prevention plan was presented by CT Consultants with the 2004 application which showed a silt fence and straw bale detail. A revised drawing from Buckeye Civil Design showed a plan view location for two sedimentation ponds. Calculations provided by CT Consultants indicated the site will generate 3.1 tons of sediment per acre per year. Without ample information regarding temporary and permanent erosions controls or best management practices, degradation to the receiving stream, Little Yankee Run, is likely to occur. Additional information is necessary to shown in compliance with the code. Comment: Storm water discharges at the Trans Rail site would be covered under the general storm water permit for construction activities under the NPDES Permit. Placement of debris cannot begin until the owner or operator has applied for and received all applicable permits and authorizations required. Operating C&DD landfills are also required to seek coverage under an individual NPDES permit. It is not known if the EPA will require water quality volumes, 20% additional capacity for losses expected due to sediment accumulation or minimum setbacks for Category 2 and Category 1 wetlands, respectively.

The liner and leachate collection details provided by CT Consultants in the 2004 application was based upon leachate recirculation. The leachate recirculation would be manually operated spraying from a vacuum truck to the working face or held for later recirculation. According to OAC 3745-400-07 (F)(5)(c)(xi), *The Health Department can either approve or disapprove leachate recirculation at its discretion.* If leachate recirculation is not approved, the leachate generated at the site would ultimately have to be pumped, hauled and treated at a licensed wastewater treatment facility. Contamination levels

from random samples will vary and can adversely affect the treatment plant operation. Typically, wastewater treatment plants are unwilling to accept high strength leachate generated at a C&DD site without imposing concentration limits and restrictive conditions. A contact agreement from a treatment facility and a licensed hauler would be necessary. The application narrative has no information regarding the sampling or disposal of the leachate.

OAC 3745-400-07 (F)(5)(c)(ix) & (x) requires that the system be designed to be capable of conveying leachate outside the limits of the debris placement for treatment and discharge. Drawings from Buckeye shows leachate tanks west of the debris field. How the leachate is collected, routed and discharged from the eastern edge of the disposal field to the leachate tanks is not shown. A leachate collection sump, pump, force main, and sample port is not shown or detailed. Certified calculations are not provided from

Buckeye showing the estimated leachate volume, flow rate or sizing of the proposed tanks. The facility plan has no information regarding sampling, pretreatment, hauling or disposal of the leachate to an approved treatment facility. Furthermore, there appear to be drainage issues on the Bottom of Debris grading plan shown on Sheet 7c (Ref. attachment). The north/south slope between the 930 contour across the eastern floor of the disposal area appears less than the minimum slope of 2% which contradicts OAC 3745-400-07 (F)(5)(c)(iii)(a). No sufficient information was available demonstrating that the leachate will not accumulate beyond the one-foot minimum depth allowed on the bottom of the constructed liner" [OAC 3745-400-07(F)(5)(c)(ii)] or functioning without clogging [OAC 3745-400-07(F)(5)(c)(vi)]. Calculations and information demonstrating compliance with the leachate collection system elements outlines in OAC 3745-400-07(F)(5)(c) must be provided.

Closing Comments

Ultimately, the Trans Rail C&DD application should be approved or denied by the reviewing authority on the basis of applicable Ohio Administrative Codes and the quality of the information contained in the application. OAC 3745-37-03(D) which states "*The licensing authority of a construction and demolition debris facility may impose such special terms and conditions as are appropriate or necessary to ensure that the facility will comply with Chapter 3714 of the revised code and Chapter 3745-400 of the administrative code, and to protect public health and safety and the environment.*" According to OAC 3745-37-03(C), the licensing authority shall not issue a C&DD facility license unless all portions of the proposed facility meet the requirements contained in Rule 3745-400-06 of the administrative code.

It remains our opinion that all persons of record (the owner, engineer, statutory agent, ground water scientist) shall be clearly defined. If significant modifications to the application regarding the site characterization report, facility design plan, ground water monitoring, debris placement, site drawings, or financial assurance documents occur, two (2) complete sets of the revised application and/or tab section should be resubmitted in its entirety to the Health Department. All submittals shall contain original signatures, certifications, and engineering seals in accordance with the OAC regulations.

Mr. Frank Migliozi, MPH, REHS/RS [8/06/2021]
Technical Review Comments for
Trans Rail America C&DD License Application
Hubbard Township, Trumbull County, Ohio
Page: 7

If you have any questions or comments regarding this matter, please do not hesitate to contact our office.
Once again, thank you for the opportunity to be of service as your engineer.

Respectfully submitted,



William R. Makosky, P.E.

Enc. Cross Section Plan Sheet 4a - Buckeye Civil Design, LLC
Ground Water Resources of Trumbull County (Haiker 1979) – Site Relationship
Hubbard Township – Abandoned Underground Mines by Professor Ann Harris (YSU)
2004 Financial Assurance Document
National Wetlands Inventory Map (Appendix B & G) - Davey Resource Group
Grading Final Cap Sheet 7b - Buckeye Civil Design, LLC
Grading Bottom of Debris Sheet 7c - Buckeye Civil Design, LLC

cc: Kristofer Wilster, MPH, REHS/RS – Trumbull County Combined Health District

TRANS RAIL AMERICA, INC.
CONSTRUCTION AND DEMOLITION
DEBRIS FACILITY
CROSS SECTION PLAN

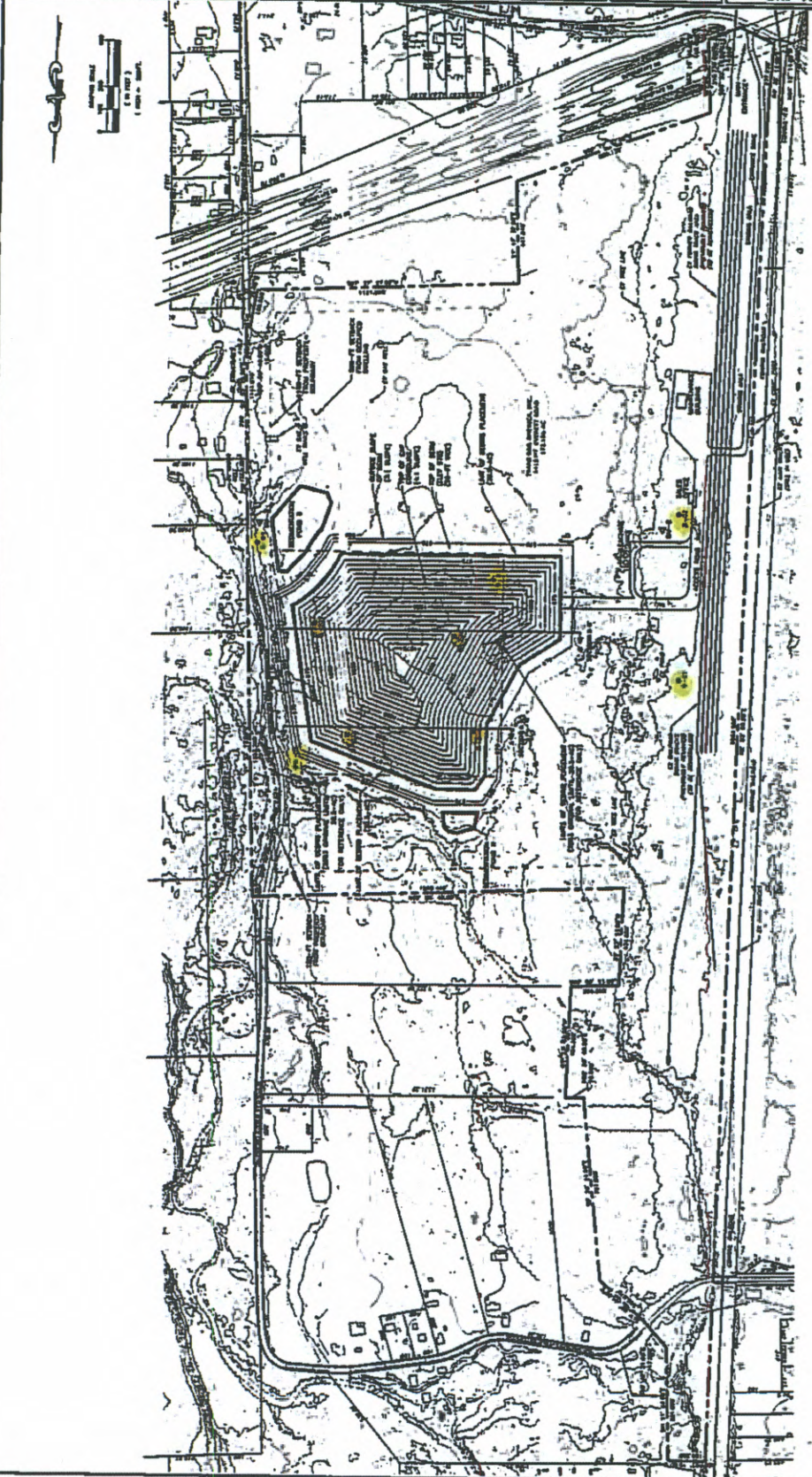
DATE: 7-13-03
DRAWN BY: JMS
CHECKED BY: JMS
DESIGNED BY: JMS
JOB NUMBER: 000-03
PROJECT: 000-03
REVISIONS:

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PHONE: 330-548-9021 FAX: 330-548-9023

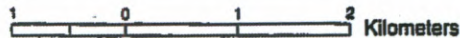
THE ENGINEER HAS PREPARED THIS PLAN FOR THE DEBRIS FACILITY AND THE EXISTING FACILITY OF TRANS RAIL AMERICA, INC. (TRAI) AT THE DEBRIS FACILITY, 231 CHESTNUT MOORE ROAD, MARIETTA, OHIO 44433. THE ENGINEER HAS CONDUCTED VISUAL INSPECTIONS AND SURVEYS OF THE FACILITY AND THE EXISTING FACILITY OF TRANS RAIL AMERICA, INC. (TRAI) AT THE DEBRIS FACILITY, 231 CHESTNUT MOORE ROAD, MARIETTA, OHIO 44433. THE ENGINEER HAS CONDUCTED VISUAL INSPECTIONS AND SURVEYS OF THE FACILITY AND THE EXISTING FACILITY OF TRANS RAIL AMERICA, INC. (TRAI) AT THE DEBRIS FACILITY, 231 CHESTNUT MOORE ROAD, MARIETTA, OHIO 44433. THE ENGINEER HAS CONDUCTED VISUAL INSPECTIONS AND SURVEYS OF THE FACILITY AND THE EXISTING FACILITY OF TRANS RAIL AMERICA, INC. (TRAI) AT THE DEBRIS FACILITY, 231 CHESTNUT MOORE ROAD, MARIETTA, OHIO 44433.

- LEGEND
- △ - EXISTING LOCATION
 - ⊙ - EXISTING LOCATION



Ground Water Resources of TRUMBULL COUNTY

by
William C. Haiker
(after Crowell, 1979)



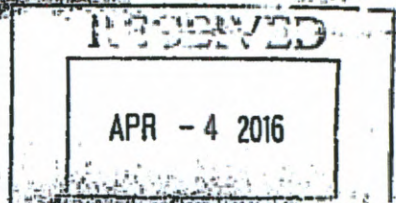
CONTOUR INTERVAL 10 FEET

----- County Line

----- Township Line

----- Incorporated City Limit

Well Yields



AREAS IN WHICH 100 TO 500 GALLONS PER MINUTE MAY BE DEVELOPED



Sandstone bedrock aquifer capable of producing over 100 gallons per minute from properly drilled and completed wells. Test drilling would probably locate additional areas of similar yield.

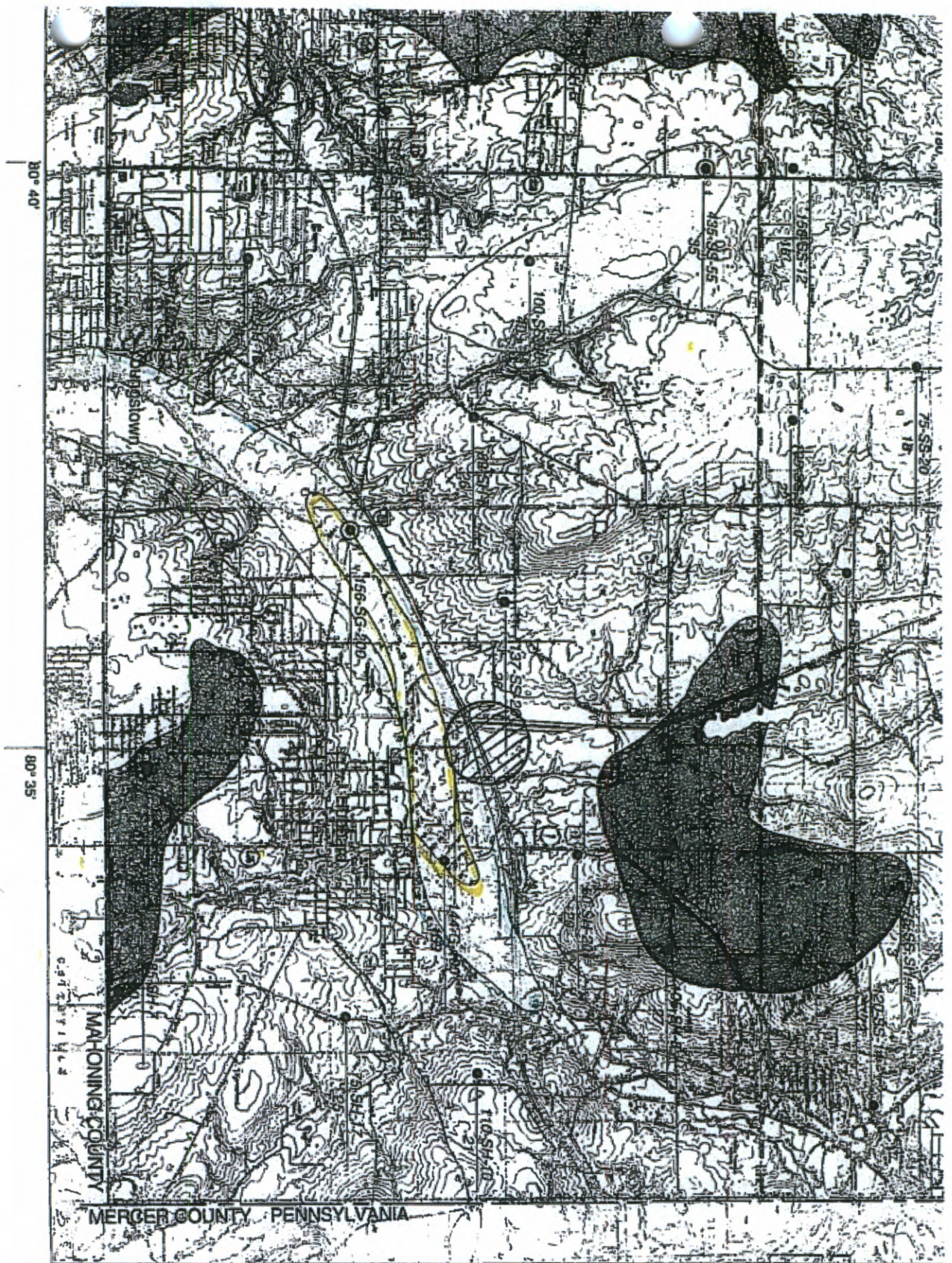


Sand and gravel deposits up to 160 feet deep within a buried valley may yield up to 300 gallons per minute. Highest yields are obtained from large diameter, properly screened and developed wells.

AREAS IN WHICH 25 TO 100 GALLONS PER MINUTE MAY BE DEVELOPED



Ground water is obtained from sandstone bedrock. Principle aquifers are the Massillon sandstone and the Sharon conglomerate. Sustained yields of 50 gallons per minute are

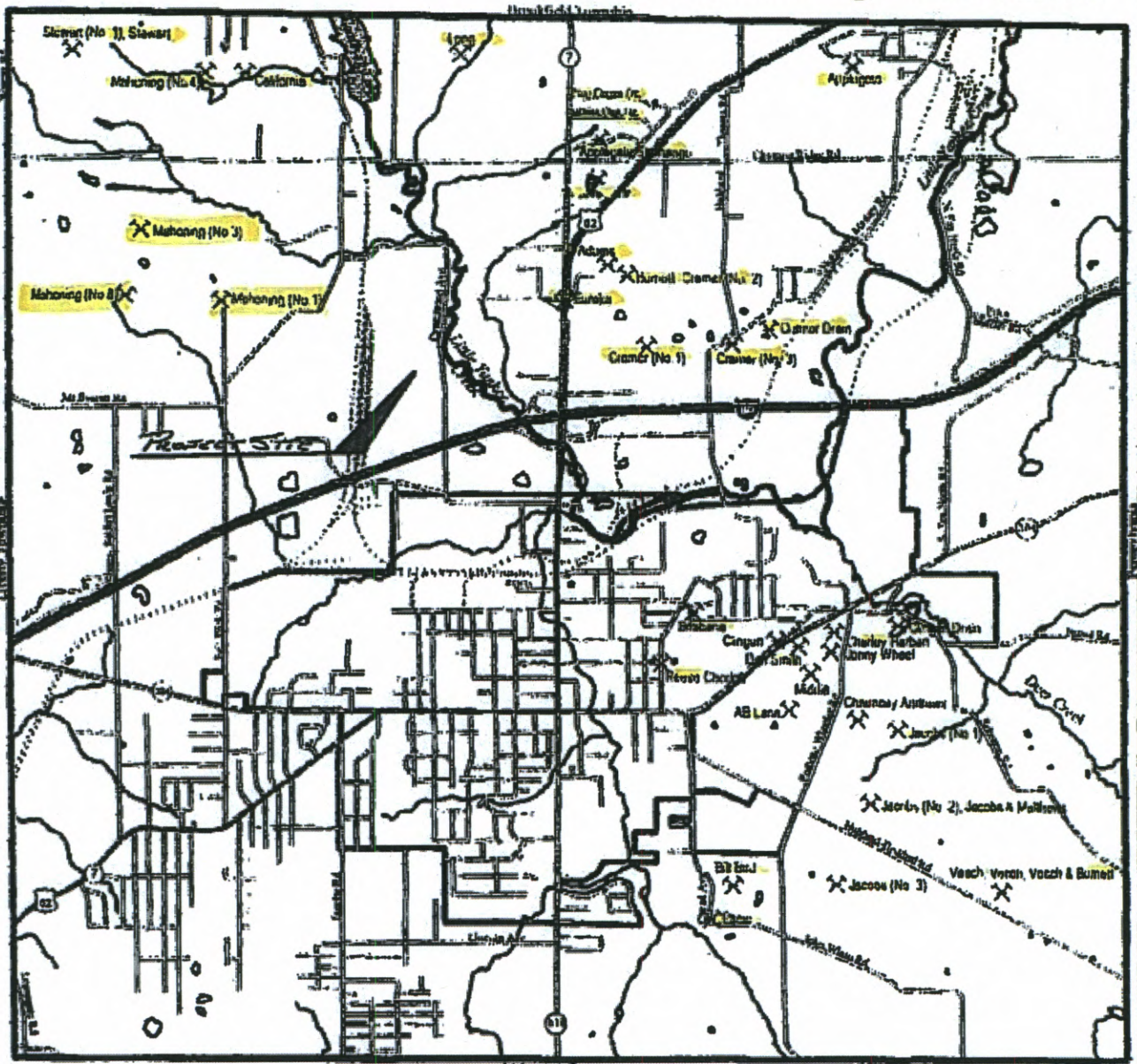


RESERVED

APR - 4 2016

MAHONING COUNTY
SHERIFF'S OFFICE

Hubbard Township - Abandoned Underground Mines



	Abandoned Mines
	Hubbard Township
	City of Hubbard
	Coalburg Lake
	Hydrology

Note: Not all mines that have dam sheets are located on the map.



Source: Ann G. Harris, Geology, Youngstown State University, March 1999
 Prepared by: TAN, Trumbull County Planning Commission, February 2001.

Abandoned Coal Mines

Research by Ann Harris Professor, Department of Geological and Environmental Sciences Youngstown State University

[Home](#)
[About This Website](#)
[Mine Links](#)
[Professor Harris' Page](#)
[Contact](#)

Mine Data Sheets

Search Mines

Ohio Counties

- Belmont
- Carroll
- Columbiana
- Guernsey
- Holmes
- Mahoning
- Medina
- Muskingum
- Noble
- Portage
- Stark
- Summit
- Trumbull
- Wayne

Pennsylvania Counties

- Allegheny
- Beaver
- Butler
- Lawrence
- Mercer
- Washington

Mines in Hubbard Township

The mines listed below are located in Hubbard township:

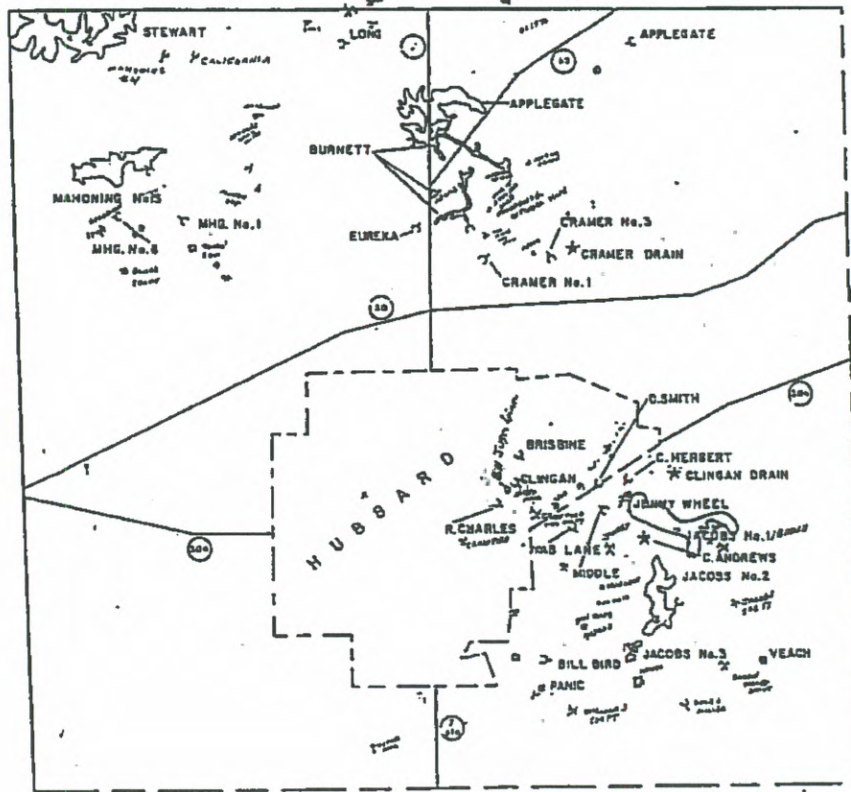
[Print Results](#)

Mine Name	YSU Mine Number	Mine Type	Commodity	Last Updated
Ab Lane	OHTRUMB000000	Slope	Coal	August 04, 2008
Adams	OHTRUMB000001	Shaft	Coal	August 04, 2008
Andrews	OHTRUMB000027	Unknown	Coal	August 04, 2008
Applegate	OHTRUMB000004	Slope	Coal	August 04, 2008
Applegate	OHTRUMB000005	Shaft	Coal	September 30, 2008
Applegate, Shenango	OHTRUMB000006	Slope	Coal	October 02, 2008

[Back to County Page](#)

Search Results: 43

Hubbard Township Mine Map:



Mines in Hubbard township

[Print Data Sheet](#)

Mine Name	Mine Number	Mine Type	Commodity	Last Updated
Ab Lane	OHTRUMBU000000	Slope	Coal	August 04, 2008
Adams	OHTRUMBU000001	Shaft	Coal	August 04, 2008
Andrews	OHTRUMBU000027	Unknown	Coal	August 04, 2008
Applegate	OHTRUMBU000004	Slope	Coal	August 04, 2008
Applegate	OHTRUMBU000005	Shaft	Coal	September 30, 2008
Applegate, Shenango	OHTRUMBU000006	Slope	Coal	October 02, 2008
Aubery & Dollin	OHTRUMBU000008	Unknown	Coal	August 04, 2008
Bill Bird	OHTRUMBU000011	Slope	Coal	August 04, 2008
Brisblne	OHTRUMBU000017	Slope	Coal	August 04, 2008
Burnett; Cramer #2	OHTRUMBU000020	Slope	Coal	August 04, 2008
California	OHTRUMBU000021	Slope	Coal	August 04, 2008
Carbon Valley	OHTRUMBU000024	Shaft	Unknown	September 30, 2008
Charley Herbert	OHTRUMBU000026	Slope	Coal	August 04, 2008
Chestnut Ridge	OHTRUMBU000028	Unknown	Unknown	August 04, 2008
Clingan	OHTRUMBU000035	Shaft	Coal	August 04, 2008
Clingan Drain	OHTRUMBU000036	Tunnel	Coal	August 04, 2008
Cramer #1	OHTRUMBU000038	Slope	Coal	August 04, 2008
Cramer #3	OHTRUMBU000039	Slope	Coal	August 04, 2008
Cramer Drain	OHTRUMBU000040	Tunnel	Coal	August 04, 2008
Crawford	OHTRUMBU000041	Unknown	Coal	August 04, 2008
Dan Smith	OHTRUMBU000044	Slope	Coal	August 04, 2008
Eureka	OHTRUMBU000048	Slope	Coal	August 04, 2008
Hudson	OHTRUMBU000061	Unknown	Coal	August 04, 2008
Jacobs #1	OHTRUMBU000063	Shaft	Coal	August 04, 2008
Jacobs #2	OHTRUMBU000064	Unknown	Coal	August 04, 2008
Jacobs #2 , Jacobs ...	OHTRUMBU000065	Shaft	Coal	August 04, 2008
Jacobs #3)	OHTRUMBU000066	Shaft	Coal	August 04, 2008
Jenny Wheel	OHTRUMBU000067	Slope	Coal	August 04, 2008
Long	OHTRUMBU000076	Slope & Shaft	Coal	August 04, 2008
Love, Lane	OHTRUMBU000077	Slope	Coal	August 04, 2008
Loyd	OHTRUMBU000078	Drift	Coal	August 04, 2008
Mahoning No. 1	OHTRUMBU000080	Slope	Coal	August 04, 2008
Mahoning No. 3	OHTRUMBU000081	Slope	Coal	October 02, 2008
Mahoning No. 4	OHTRUMBU000082	Slope	Coal	August 04, 2008
Mahoning No. 8	OHTRUMBU000083	Slope	Coal	August 04, 2008
Matthews	OHTRUMBU000085	Shaft	Coal	August 04, 2008
Mayers	OHTRUMBU000086	Unknown	Coal	August 04, 2008
Middle	OHTRUMBU000091	Slope	Coal	August 04, 2008
New California	OHTRUMBU000135	Slope	Unknown	September 30, 2008
Owen	OHTRUMBU000103	Unknown	Unknown	August 04, 2008
Panic	OHTRUMBU000104	Shaft	Coal	August 04, 2008
Reese Charles	OHTRUMBU000113	Slope	Coal	August 04, 2008
Veach; Veach &	OHTRUMBU000136	Shaft	Coal	August 04, 2008



FINANCIAL ASSURANCE DOCUMENTS

OAC Rule 3745-37-02(E)(6) sets forth the requirement that a C&D license application must include all financial assurance documents required by OAC Rule 3745-400-13. A combination of financial assurance documents may be used. Original financial assurance documents may be included unaltered, but must be signed and dated within thirty (30) days of the issuance of the license in accordance with OAC Rule 3745-400-13(A)(2). Complete the worksheet below.

Major Components	Applicant Only		HID/OEPA Use Only
	Check if/If submitted in this application	If not within, note for license year last submitted	
✓ All financial assurance documentation required by OAC Rule 3745-400-13	✓		

FINANCIAL ASSURANCE CALCULATION WORKSHEET

Table A: Standard financial assurance calculation for active areas of the facility

Parameter	Required Financial Assurance (FA)	Number of Units	Total FA Required (Units x Required FA)
Active Licensed Disposal Area (to nearest 1/10 acre)	\$13,000 Per Acre	5 Acres	(1) \$ 65,000.00
Ground Water Monitoring Wells	\$2,175 Per Well	5 Wells	(1) \$ 10,875.00

Table B: Required financial assurance for areas which have been filled, capped, and certified

Parameter	Required Financial Assurance (FA)	Number of Acres	Total FA Required (Acres x Required FA)
Capped & Certified Acres (to nearest 1/10 acre)	\$550 Per Acre	0	(1) 0

Table C: Total required financial assurance for facility

Financial assurance instruments must cover at least this amount	box 1 + box 2 + box 3 →	\$ 75,875.00
---	-------------------------	--------------

All facilities must fund at 100% of cost estimates within thirty (30) days of license issuance pursuant to OAC Rule 3745-400-13(A)(2).

Comments (for licensing authority use):

Rev06/05

Tab 12

PAGE: 1

DATE: NOVEMBER 23, 2005

IRREVOCABLE STANDBY LETTER OF CREDIT NUMBER: 3078589

BENEFICIARY
FRANK MIGLIOZZI, DIRECTOR OF
ENVIRONMENTAL SERVICES
TRUMBULL COUNTY HEALTH DEPARTMENT
176 CHESTNUT AVE NE
WARREN, OHIO 44461

APPLICANT
TRANS RAIL AMERICA, INC.
1535 ANTELOPE LANE
CAPITOL HEIGHTS, MD 20743-1014

AMOUNT
NOT EXCEEDING USD 75,875.00
NOT EXCEEDING SEVENTY FIVE THOUSAND
EIGHT HUNDRED SEVENTY FIVE AND
00/100'S US DOLLARS

EXPIRATION
JANUARY 2, 2007 AT OUR COUNTERS

WE HEREBY ESTABLISH OUR IRREVOCABLE STANDBY LETTER OF CREDIT NO. 3078589 IN YOUR FAVOR, AT THE REQUEST AND FOR THE ACCOUNT OF TRANS RAIL AMERICA, INC., 1535 ANTELOPE LANE, CAPITOL HEIGHTS, MD 20743-1014, UP TO THE AGGREGATE AMOUNT OF SEVENTY FIVE THOUSAND EIGHT HUNDRED SEVENTY FIVE AND 00/100 US DOLLARS (\$75,875.00), AVAILABLE UPON PRESENTATION OF:

1. YOUR SIGHT DRAFT, BEARING REFERENCE TO THIS LETTER OF CREDIT NO. 3078589, AND

2. YOUR SIGNED STATEMENT READING AS FOLLOWS:

"I CERTIFY THAT THE AMOUNT OF THE DRAFT IS PAYABLE PURSUANT TO REGULATIONS ISSUED UNDER THE AUTHORITY OF CHAPTER 3714 OF THE REVISED CODE AS AMENDED."

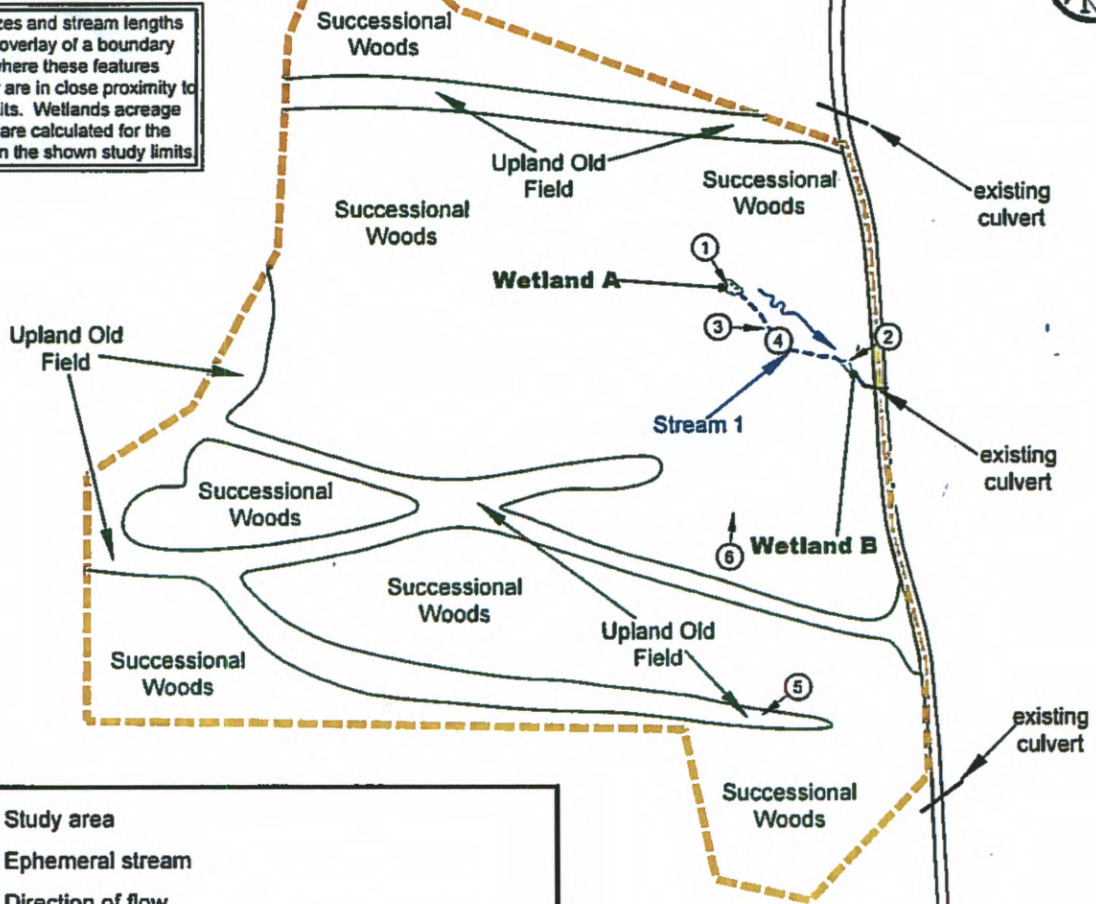
THIS LETTER OF CREDIT IS EFFECTIVE AS OF NOVEMBER 23, 2005, AND WILL EXPIRE ON JANUARY 2, 2007, BUT SUCH EXPIRATION DATE WILL BE AUTOMATICALLY EXTENDED FOR A PERIOD OF ONE YEAR ON JANUARY 2, 2007 AND ON EACH SUCCESSIVE EXPIRATION DATE, UNLESS AT LEAST ONE HUNDRED AND TWENTY (120) DAYS PRIOR TO THE CURRENT EXPIRATION DATE, WE NOTIFY BOTH YOU AND TRANS RAIL AMERICA, INC. BY CERTIFIED MAIL THAT WE HAVE DECIDED NOT TO EXTEND THIS LETTER OF CREDIT BEYOND THE CURRENT EXPIRATION DATE. IN THE EVENT THAT YOU ARE SO NOTIFIED, ANY UNUSED

ORIGINAL

Appendix B Plant Communities Map



NOTE: Wetlands sizes and stream lengths could change upon overlay of a boundary survey, especially where these features extend outside of or are in close proximity to the shown study limits. Wetlands acreage and stream lengths are calculated for the portion that occurs in the shown study limits.



= Study area
 = Ephemeral stream
 = Direction of flow
 = Photograph location and direction of view (with arrow)
 = Areas of wetlands delineated within study area
Wetland Plant Communities
 = Emergent wetlands



The information presented is not a survey or engineering product, and should not be used for any purpose provided by applicable law or regulation that requires a surveying or engineering license.

Drummond Avenue Extension

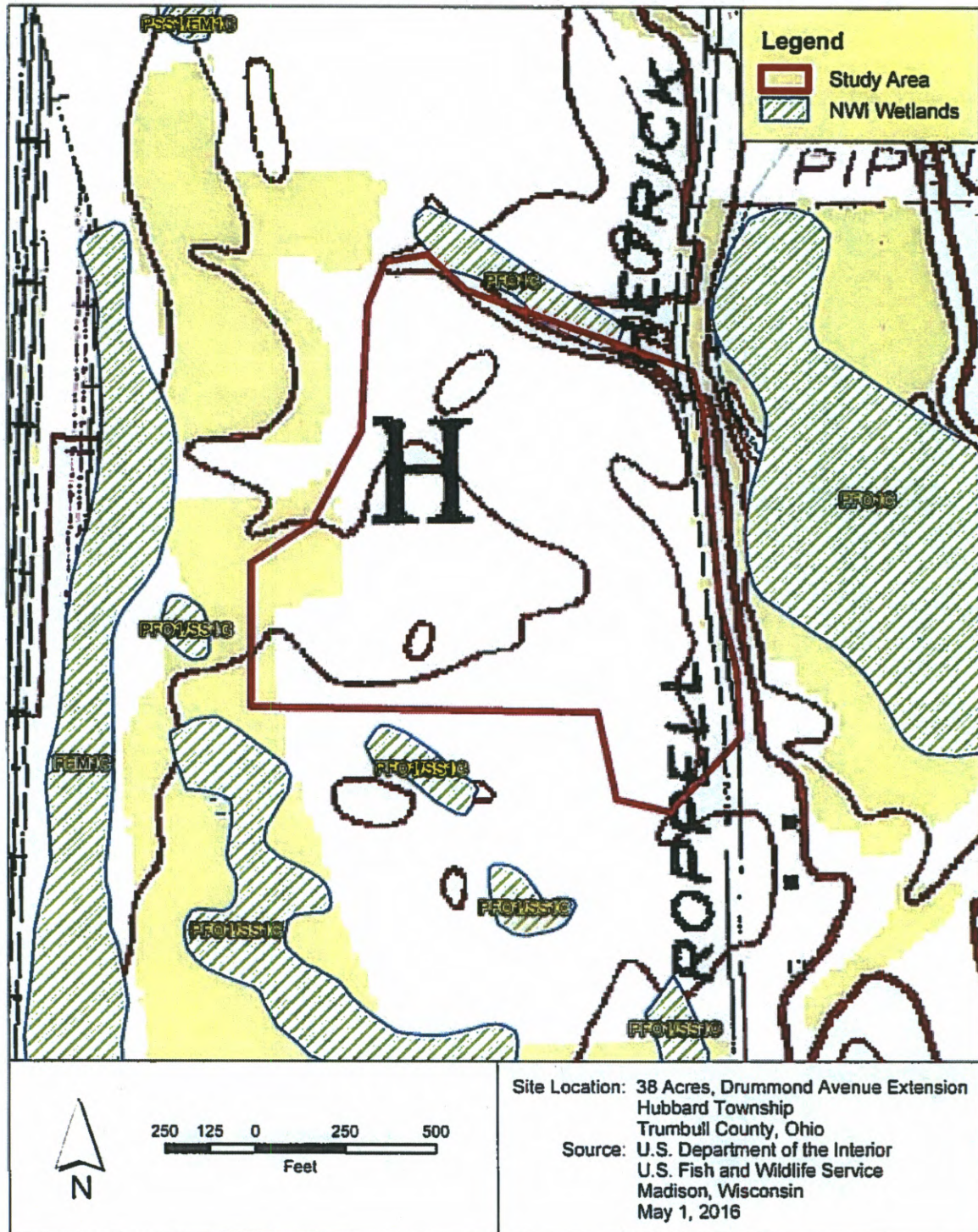
Prepared by
DAVEY
 RESOURCE GROUP
A Division of The Davey Tree Expert Company

Prepared for
Rodger Brothers Services, Inc.

Drummond Avenue Extension
 Hubbard Township
 Trumbull County, Ohio

Data used to produce this map were collected on July 27, 2016

Appendix G
Location of Study Area on
National Wetlands Inventory Map
(Sharon West Quadrangle)

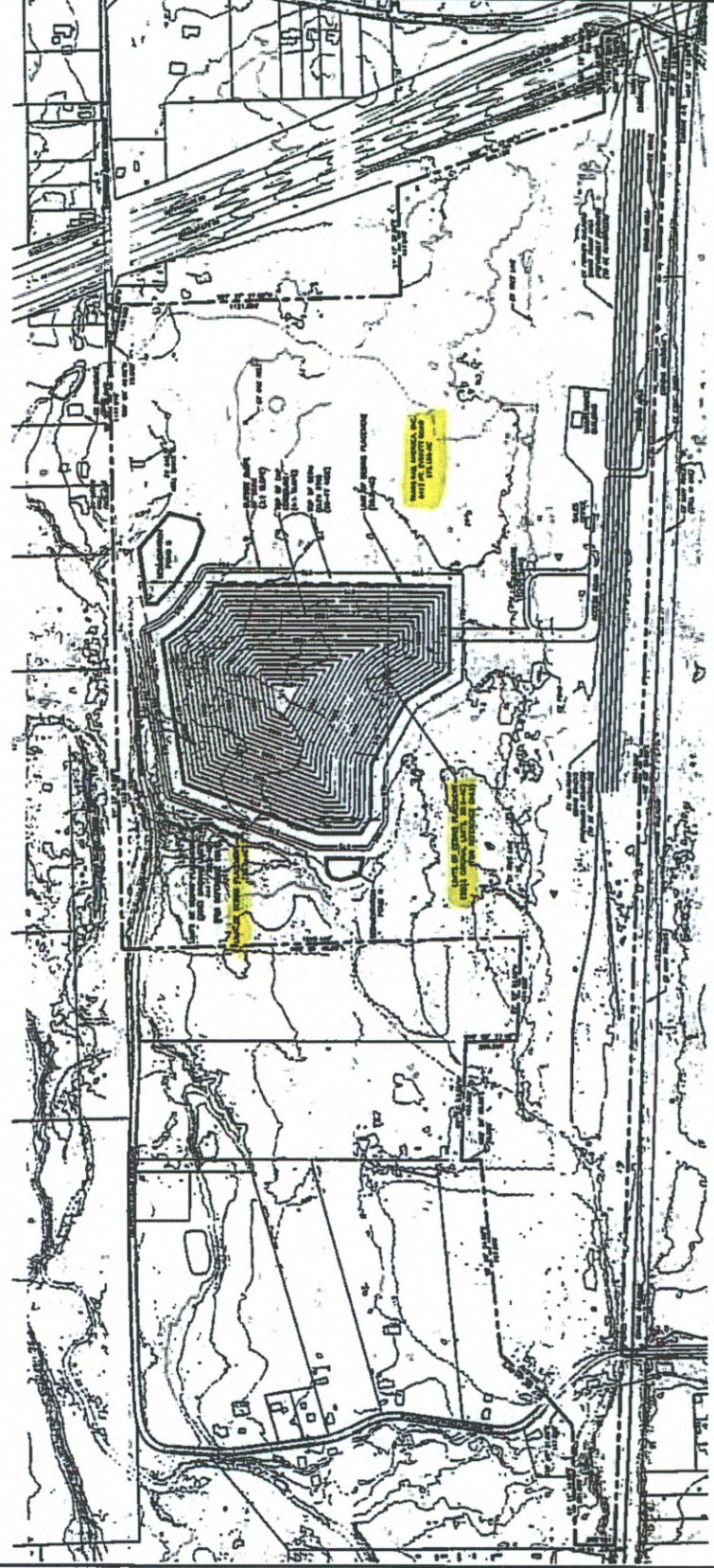
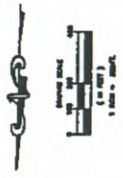


TRANS RAIL AMERICA, INC.
CONSTRUCTION AND DEMOLITION
DERRIS FACILITY
GRADING
FINAL CAP CONFIGURATION

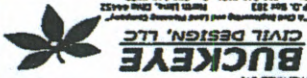
REVISIONS	DATE	BY
13	08-08-07	...
12	08-08-07	...
11	08-08-07	...
10	08-08-07	...
09	08-08-07	...
08	08-08-07	...
07	08-08-07	...

PREPARED FOR:
TRANS RAIL AMERICA, INC.
620 W. FREDRICK ROAD
EAST CLEVELAND, OHIO 44124
PHONE: 330-886-0413

BUCKEYE
CIVIL DESIGN, LLC
14150 LAKESIDE DRIVE
P.O. BOX 283
MARIETTA, OHIO 44130
PHONE: 330-949-0021 FAX: 330-949-0023



THE DRAWING CONTAINS ALL THE DATA AND INFORMATION NECESSARY FOR THE PROPER CONSTRUCTION AND DEMOLITION OF THE PROJECT. THE DRAWING IS THE PROPERTY OF BUCKEYE CIVIL DESIGN, LLC. NO PART OF THIS DRAWING IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF BUCKEYE CIVIL DESIGN, LLC.



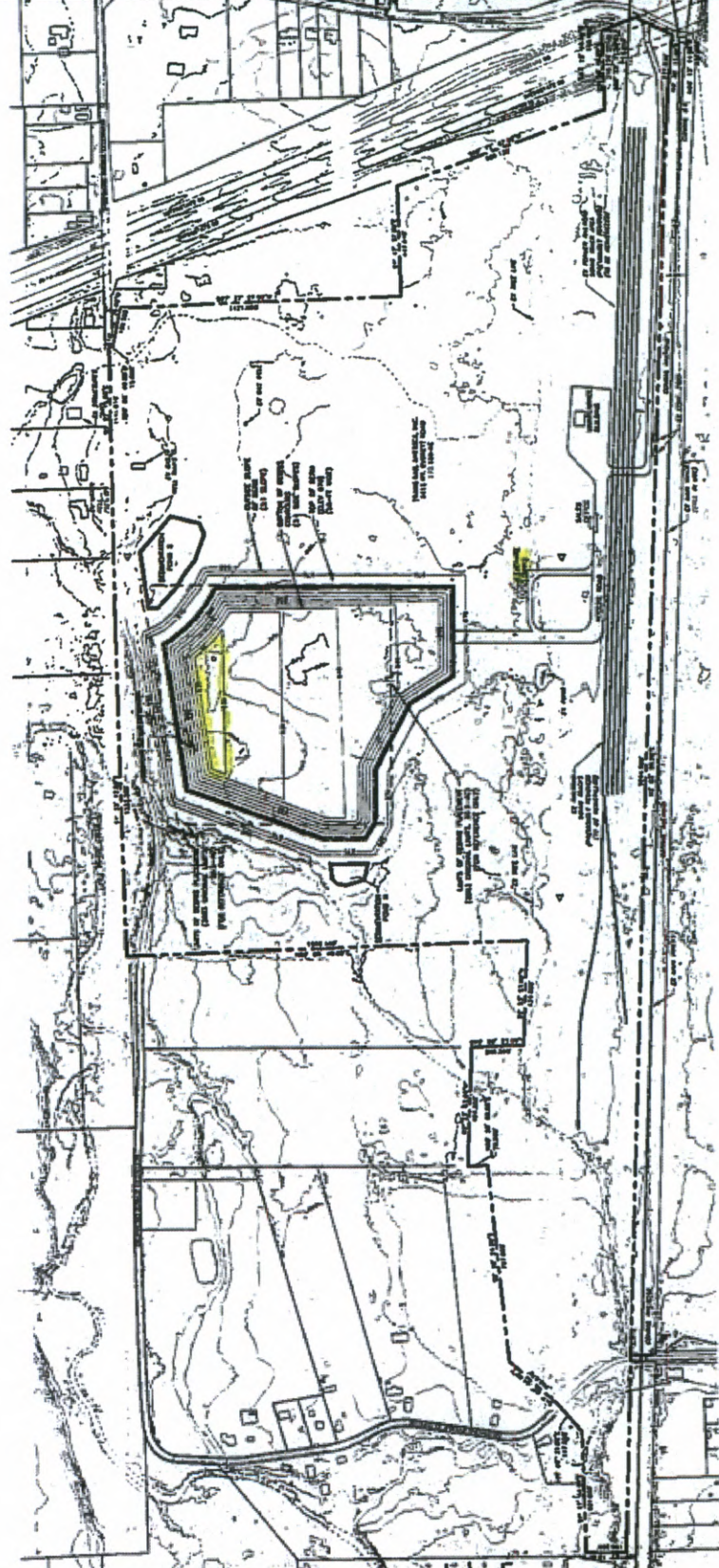
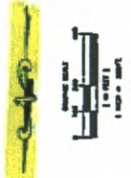
PREPARED BY:
BUCKEYE
 CIVIL DESIGN, LLC
 "A Civil Engineering and Land Planning Company"
 P.O. Box 283
 6121 Chestnut Ridge Road
 Mansfield, Ohio 44883
 Phone: 330-546-0251 Fax: 330-546-0253

PREPARED FOR:
 TRANS RAIL AMERICA, INC.
 C/O Mr. Frederick Meehan
 6121 Chestnut Ridge Road
 Mansfield, Ohio 44883
 Phone: 330-546-0413

NO.	DESCRIPTION	DATE
01	DESIGNED BY: JMS	11-13-2015
02	CHECKED BY: JMS	11-13-2015
03	DESIGNED BY: JMS	11-13-2015
04	CHECKED BY: JMS	11-13-2015
05	DESIGNED BY: JMS	11-13-2015
06	CHECKED BY: JMS	11-13-2015

TRANS RAIL AMERICA, INC.
 CONSTRUCTION AND DEMOLITION
 DERIS FACILITY
 GRADING
 BOTTOM OF DERIS

SCALE
 1" = 200'
 SHEET NUMBER
 7C



NOTES:
 1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
 2. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING UTILITIES AND STRUCTURES UNLESS OTHERWISE NOTED.
 3. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
 4. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING EROSION CONTROL MEASURES AND SHALL REPAIR OR REPLACE ANY DAMAGED AREAS.
 5. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING TREES AND SHALL REPAIR OR REPLACE ANY DAMAGED TREES.
 6. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING FENCING AND SHALL REPAIR OR REPLACE ANY DAMAGED FENCING.
 7. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING SIGNAGE AND SHALL REPAIR OR REPLACE ANY DAMAGED SIGNAGE.
 8. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING LIGHTING AND SHALL REPAIR OR REPLACE ANY DAMAGED LIGHTING.
 9. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING SECURITY MEASURES AND SHALL REPAIR OR REPLACE ANY DAMAGED SECURITY MEASURES.
 10. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING RECORDS AND SHALL PROVIDE COPIES TO THE CLIENT UPON COMPLETION OF THE PROJECT.