

February 4, 2019

Laurie A Stevenson
Director, Ohio EPA
50 West Town Street, Suite 700
Columbus, OH 43215

Subject: Request for Response to Questions about the draft Remedial Investigation/Feasibility Study for the Former Satralloy Site –

Reference: Remedial Investigation/Feasibility Study for the Former Satralloy Site dated December 2016

Dear Ms. Stevenson,

Congratulations on your recent appointment to lead one of the most important agencies in the State of Ohio. Sorry to request extra work of you so early in your job but we are group of local citizens who are very frustrated about that ongoing lack of attention we have been subjected to by the OhioEPA's Logan District 2 Office. We have written six letters to them over the last six months and each one has been totally ignored. We know they have been received because we sent them (like this letter) via certified mail with confirmed delivery. To date we are still waiting.

We live and work in the Kolmont Community. Our concern is with the environmental issues associated with the Satralloy Site and the apparent lack of attention by the OhioEPA. To date, there is no public evidence showing they have sincerely evaluated the scientific data that demonstrates that is serious amounts of carcinogenic material on the Satralloy Site. It appears to the public the OhioEPA is acquiescing to whatever the Owner of the Satralloy Site wishes to do, even if it is in violation of OhioEPA's rules and regulations.

There was a Consent Order related to the Satralloy Site signed between the State of Ohio and Cyprus Amax Minerals Company (a wholly owned and controlled entity of Freeport McMoRan) for the Satralloy Site in November 2010. Here is an excerpt from the first page:

**CONSENT ORDER FOR PRELIMINARY INJUNCTION TO CONDUCT A
REMEDIAL INVESTIGATION AND FEASIBILITY STUDY AND TO PAY
RESPONSE COSTS**

**Plaintiff, State of Ohio, ex rel. Richard Cordray, Ohio Attorney General
("Plaintiff"). filed the Complaint in this action, at the written request of the**

Director of the Ohio Environmental Protection Agency, under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, 42 U.S.C. §9601 et seq. ("CERCLA"). Plaintiff and Defendants, Cyprus Amax Minerals Company and Chemetall Foote Corp., have agreed to the entry of this Consent Order for Preliminary Injunction for Remedial Investigation and Feasibility Study ("COPI"):

We have been reading on the OhioEPA website about the CERCLA process. There is a lot of information about what is supposed to be taking place with regards to the investigation and remediation of the Satralloy Site. It appears many of the administrative requirements are being followed by the Owner but OhioEPA is failing in their responsibilities to do a proper job of scientifically evaluating the site data and challenging the Owner where they have misrepresented the findings and conclusions. Most of the conclusions by the Owner are disingenuous. The sampling work done (by representatives of the Owner) was not representative to accurately determine the environmental impacts of the constituents of concern at the site. The sample locations and selection criteria done by the Owner and their representatives appears to be done to create a story that there is nothing on the Site that contributes to being an environmental concern. Their conclusions appear founded in ignoring the negative data and spinning a tale that will support a remediation plan that is to the Owner's economic advantage; even if it is violation of State and Federal environmental regulations. A perfect example is the Owner ignoring the environmental hazards of having thousands of tons of both a buried and bagged RCRA classified hazardous substance, K-091, Emission control dust or sludge from ferrochromium production on the site.

Another aspect of this CERCLA process that the OhioEPA could do a whole lot better at is public communication. We are requesting, again, the OhioEPA start complying with all the CERCLA requirements for public communication. Such as responding to written inquiries within 28 days. We have been asking that your responses be posted on the OhioEPA website in the same place the other Satralloy information has been posted by the OhioEPA.

The COPI is over eight years old and we have not seen one public meeting held about the work being done, not one bit of correspondence about this project has been sent by the OhioEPA or Freeport McMoRan to the surrounding neighbors. There have been no Town Hall style meetings, no FACT Sheets, no public repository and no annual status report! So why is this? We would appreciate it if this oversight could be addressed as a matter of urgency.

Since you are new to your role, you may not be aware that as part of the CERCLA process, Freeport McMoRan is required to reimburse the OhioEPA for costs they have incurred in overseeing the Satralloy work to date. Your staff personnel can confirm that Freeport McMoRan has paid the OhioEPA's past invoices. A number of them are

on the website. Because of this requirement we would hope that the OhioEPA takes advantage to use their own resources to answer the questions in our letters. We are hoping the Logan Office Supervisors do not just pass all these letters off to Freeport McMoRan and ask them to answer them. That is like asking the hungry fox to guard the henhouse. In this case Freeport McMoRan and their Engineering consultants have demonstrated a high-handed approach to answering past questions from the OhioEPA. One of our main concerns is Freeport McMoRan's lead environmental consultant, Golder Associates, has deliberately ignored addressing anything that is negative about the Site. Golder Associates uses spurious reasoning which often leads to nonsense answers and personnel in the Logan Office have appeared to let them get away with it time and time again. A good example is Golder Associates letter dated June 23, 2017, written on behalf of Freeport McMoRan which was a response to the OhioEPA's letter to Freeport McMoRan dated May 23, 2017.

The first bullet (which we have underlined) is from the December 2016 Satralloy Remedial Investigation Report Executive Summary written by Golder Associates. Below that is a review comment (6) shown in italics from an OhioEPA letter dated May 23, 2017 and below that in bold is the response from Golder Associates in a letter dated June 23, 2017

The risk assessments (based on conservative assumptions) indicate that the Site does not pose unacceptable risks to human health or the environment.

6) Page ES-7, Conclusions 6th bullet: The sixth bullet should be revised to address the human health and ecological risks at the Site from all COPCs not just chromium. Ohio EPA does not agree that the Site does not pose an unacceptable risk to human health and the environment. As discussed during the April 12 meeting, the data in the report shows that there are unacceptable risks from Site activities to human health and the environment. Please refer to the comments below on the Human Health Risk Assessment.

Golder Response: This bullet will be deleted.

This type of response by Golder Associates should raise all kinds of alarm bells in the OhioEPA but apparently it has not to date. Here is an evaluation by the OhioEPA of the Satralloy Remedial Investigation Report that is not addressing properly the risks to human health and the environment (and needs to be addressed). The Golder Associates response is they will delete the bullet mentioned in the Remedial Investigation and in making this deletion, Golder Associates is implicitly stating they are going to ignore the direction from the OhioEPA to correctly state there are risks to human health and the environment emanating from the Satralloy Site. Golder Associates has done this multiple times. They cannot be trusted to give unbiased, balanced answers.

We do appreciate the limited information placed on your OhioEPA website. It took us some time to find it but now that we have downloaded all the information we can at least ask important questions about the Site. For now we are focused on why so little

apparent action has been taking place on some very serious deficiencies in the Freeport McMoRan Remedial Investigation/Feasibility Study for the Former Satralloy Site dated December 2016 (RI/FSforFSS).

A letter from the OhioEPA to the residents of Cross Creek and Wells Townships with instructions on how to access the OhioEPA website and download the data regarding the Satralloy Site would be a good first step toward letting the public have a better knowledge of the Site and work done to date. What would be even better would be a public repository set up at the Steubenville Public Library with all the Satralloy Site documentation on file.

We have spent a lot of time and effort in putting these attached six letters together sent to Maria Galanti and Kristy Hunt in the Logan Office. We are looking for specific responses to our questions. As the newly appointed Director of the OhioEPA we are hoping we can receive some attention from you to this matter. We are looking for educated, detailed responses. Please request of your staff, not to disrespect us with a lot of generic, non-specific, buzzword, shallow or evasive answers. Most of questions we have asked should have been able to answer straight away instead of six months of silence.

We look forward to your reply via posting on the OhioEPA website under Satra Concentrates.

Sincerely,

Friends of Kolmont

Attachments:

Letter to Maria Galanti of OhioEPA Logan Office July 19, 2018
Letter to Maria Galanti of OhioEPA Logan Office July 23, 2018
Letter to Maria Galanti of OhioEPA Logan Office August 1, 2018
Letter to Maria Galanti of OhioEPA Logan Office August 4, 2018
Letter to Kristy Hunt of OhioEPA Logan Office September 5, 2018
Letter to Maria Galanti of OhioEPA Logan Office October 3, 2018