

1 RESOLUTION NO. 2013-429

2
3 SPONSOR Mr. Pry

4
5 DATE October 21, 2013 COMMITTEE Public Works

6
7 **A Resolution authorizing the County Executive to execute a site remediation agreement**
8 **with The Goodyear Tire & Rubber Company which will apportion the costs and**
9 **responsibilities for the environmental remediation of the County's property at 1100**
10 **Loamshire Road, the former site of a landfill, in Springfield Township, in Council District**
11 **8, for the Executive's Department of Environmental Services, and declaring an emergency.**

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13 WHEREAS, on or about June 5, 1978, the County purchased certain real property located
14 at 1100 Loamshire Road, in Springfield Township, in Council District 8, identified as Parcel No.
15 5110731 ("Property"), for the construction of the Upper Tuscarawas Wastewater Treatment Plant
16 ("WWTP") which the County currently owns and operates on the Property; and

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18 WHEREAS, the Property is part of a larger tract of real property formerly known as the
19 Rubber City Sand & Gravel Company property ("Site"), which served as a quarry and a landfill;
20 and

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22 WHEREAS, Goodyear formerly leased a portion of the Site for use as a landfill; and

23
24 WHEREAS, Goodyear entered into Director's Final Findings and Orders with the Ohio
25 Environmental Protection Agency ("OEPA") on December 5, 1994, to undertake a Remedial
26 Investigation and Feasibility Study at the Site to investigate existing contamination at the former
27 landfill; and

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29 WHEREAS, Goodyear is required to submit a Revised Feasibility Study for the Site to
30 OEPA, and then OEPA is anticipated to issue a preliminary preferred remedy for notice and
31 comment and then a final document summarizing the remedy for the Site ("Decision
32 Document"); and

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34 WHEREAS, the County and Goodyear desire to negotiate Director's Final Findings and
35 Orders with OEPA to implement a Decision Document to implement a plan to address
36 contamination at the Site during its use as a landfill; and

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38 WHEREAS, the County plans on making certain repairs and improvements to the
39 WWTP in the Q949 Upper Tuscarawas WWTP Improvements Project ("Project") unrelated to
40 the implementation of the remedy at the Property; and

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42 WHEREAS, the County has requested Goodyear's financial assistance related to
43 contaminated soil at certain locations on the Property during the County's performance of the
44 Project; and

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4 WHEREAS, the County and Goodyear desire to enter into an agreement defining the
5 responsibilities of the parties in the Decision Document for the Site, in which Goodyear shall
6 conduct and pay for certain remediation at the Site, provide the County a one-time contribution
7 to address contaminated soil disposal costs incurred in the Q949 Upper Tuscarawas WWTP
8 Improvements Project, and in which the County agrees to execute an environmental covenant
9 restricting future use of the Property and share in the cost of certain oversight fees charged by the
10 OEPA, in the substantive form shown in Exhibit A attached to this Resolution (“Remediation
11 Agreement”); and

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13 WHEREAS, this Council finds and determines, after reviewing all pertinent information,
14 that authorizing the Executive to execute the aforementioned Remediation Agreement is
15 necessary and in the best interest of the County of Summit;

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17 NOW, THEREFORE, BE IT RESOLVED by the Council of the County of Summit, State
18 of Ohio, that:

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20 SECTION 1

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22 The County Executive is hereby authorized to execute the site remediation agreement
23 (“Remediation Agreement”) with The Goodyear Tire & Rubber Company (“Goodyear”), in
24 which Goodyear shall conduct and pay for certain remediation at the Site, provide the County a
25 one-time contribution to address contaminated soil disposal costs incurred in the Project, and in
26 which the County agrees to execute an environmental covenant restricting future use of the
27 Property and share in the cost of certain oversight fees charged by the Ohio Environmental
28 Protection Agency (“OEPA”), in the substantive form shown in Exhibit A, attached hereto and
29 incorporated herein as if fully restated, along with all other documents and covenants required
30 under the Remediation Agreement.

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32 SECTION 2

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34 This Resolution is hereby declared an emergency in the interest of the health, safety and
35 welfare of the citizens of the County of Summit and for the further purpose of immediately
36 obtaining environmental remediation at the County’s property at 1100 Loamshire Road, in
37 Springfield Township, in Council District 8.

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39 SECTION 3

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41 Provided this Resolution receives the affirmative vote of eight members, it shall take
42 effect immediately upon its adoption and approval by the Executive; otherwise, it shall take
43 effect and be in force at the earliest time provided by law.

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45 SECTION 4

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47 It is found and determined that all formal actions of this Council concerning and relating
48 to the adoption of this Resolution were adopted in an open meeting of this Council, and that all
49 deliberations of this Council and of any of its committees that resulted in such formal action,
50 were in meetings open to the public, in compliance with all legal requirements, including Section
51 121.22 of the Ohio Revised Code.
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5 INTRODUCED September 30, 2013

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ADOPTED October 21, 2013

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11 CLERK OF COUNCIL



PRESIDENT OF COUNCIL

12 APPROVED October 22, 2013

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15 Russell M. Puy

16 EXECUTIVE by Deborah Metz

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19 ENACTED EFFECTIVE October 22, 2013

Voice Vote: 9-0-1 YES: Comunale, Crawford, Feeman, Kostandaras
Prentice, Rodgers, Roemer, Schmidt, Shapiro
Absent: Lee
Abstain: Kurt