



John R. Kasich, Governor
Mary Taylor, Lt. Governor
Craig W. Butler, Interim Director

February 26, 2014

Lee Holder
Golder Associates Inc.
18300 NE Union Hill Road, Suite 200
Redmond, WA 98052

Mr. Holder,

In your correspondence dated August 22, 2013, on behalf of Cyprus Amax Minerals Company (Cyprus), you presented a proposal to amend the approved *Preliminary Evaluation Report and Remedial investigation/feasibility Study Workplan* (RI/FS Workplan) for the former Satralloy Site as attached in Attachment A. The proposal seeks to incorporate similar language which was approved in the Interim Action Workplan regarding an Area of Contamination (AOC) designation and an exemption issued to Cyprus by the Director of Ohio EPA pursuant to Ohio Revised Code section 3734.02(G) (.02(G) Exemption). Cyprus believes this additional language will facilitate remediation of the site which will occur during work performed in accordance with the approved RI/FS Workplan. Ohio EPA has previously concurred with Cyprus that continuous and contiguous contamination exists at the former Satralloy Site based upon sampling information and issued a .02(G) Exemption to Cyprus for management of hazardous wastes which are managed similarly to other remediation waste managed at the site. The proposal includes language describing the AOC, management of remediation wastes and wastes which may exhibit a characteristic of a hazardous waste in accordance the .02(G) Exemption. The addendum as presented in Attachment A of this letter would be incorporated into the RI/FS as Addendum 1.

Ohio EPA concurs that Cyprus has established through a sampling program that contamination is continuous and contiguous over an investigated area both on and off the former Satralloy Site property boundary. Documentation and chemical data that was used to support the establishment of the AOC for the IA Workplan are hereby incorporated by reference for this request. The bounds of the AOC may be further extended, as needed, by additional sampling and concurrence with Ohio EPA.

Received by
Freeport-McMoRan Corporation

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Therefore, Ohio EPA approves of your request and Attachment A of this letter is incorporated into the RI/FS Workplan as Addendum 1.

Sincerely,

A handwritten signature in black ink, appearing to read 'Edwin Gortner', written over the word 'Sincerely,'.

Edwin Gortner
Manager
Division of Environmental Response and Revitalization

EG/cb

cc: Barbara Nielson, Cyprus Amax Minerals Company

ec: Erik Hagen, DERR CO
Michael Sherron, DERR SEDO
Shane Farolino, Roetzel & Andress

Attachment A: Addendum No. 1 to the Preliminary Evaluation Report and RI/FS Study Workplan

Attachment A

**ADDENDUM NO. 1 TO THE PRELIMINARY EVALUATION REPORT AND
REMEDIAL INVESTIGATION/FEASIBILITY STUDY WORKPLAN FOR THE
FORMER SATRALLOY SITE**

Other than the actively managed piles addressed in Section 1.2.2 of the IA Workplan, the other mineral by-products and wastes at the Site would not be regulated under RCRA if there never were any active management of them in the future. However, the contemplated RI/FS actions and future remediation of the Site could be sufficiently extensive to constitute active management for purposes of triggering future regulation under RCRA, but for the application of the U.S. EPA Area of Contamination (AOC) policy under RCRA, which interprets certain activities as not constituting generation or active management,¹ and the issuance by the Director of the OEPA of an exemption under Section 3734.02(G) of the Ohio Revised Code ("02(G) Exemption"). The AOC policy and the 02(G) Exemption are designed to facilitate and encourage remediation, such as that contemplated for the Site.

Site investigation and remediation activities involving the former Bevill-exempt materials referenced above and/or any other materials at the Site, including RI/FS actions under this workplan, and any remediation to be conducted in the future, will be performed in accordance with the AOC policy pursuant to the letter from Michael Sherron to Barbara Nielsen dated October 19, 2012 (Appendix A of the IA Workplan). Specifically, this letter stated: "Ohio EPA acknowledges that Cyprus has demonstrated that contamination appears to be present across the Site in the continuous and contiguous fashion that designation of the AOC requires, and thus we conclude that the AOC concept is applicable." The letter further stated: "In the event that Cyprus is able to demonstrate in the future, to the satisfaction of Ohio EPA, that continuous and contiguous contamination is present in additional locations on or off the Satralloy property, the Agency acknowledges that the AOC concept would be applicable to such areas as well." As discussed during the September 25, 2012 meeting between the parties, and as set forth in the Preliminary Evaluation Report and Remedial Investigation/Feasibility Study Workplan for the Former Satralloy Site, Cyprus Amax has documented that continuous and contiguous contamination is present across the Site and in a certain off-property areas, including areas where slag piles extend beyond the property boundary and the rail spur area at the facility. This RI/FS Workplan outlines the activities that Cyprus Amax plans to conduct in those areas. Because it has already been demonstrated that continuous and contiguous contamination is present in the areas in question, all of the activities to be conducted pursuant to this RI/FS Workplan will be performed in accordance with the AOC policy, consistent with the above-referenced letter.

In addition, Cyprus Amax has obtained a 02(G) Exemption from the Director prior to managing any materials at the Site that exhibit the Toxicity Characteristic under this RI/FS Workplan. The 02(G)

¹ It is Cyprus' view that the AOC policy alone is legally sufficient to allow the on-site management of the former Bevill materials, without the need for the 02(G) Exemption. Nevertheless, Cyprus is agreeable to obtaining an 02(G) Exemption, without waiving its position that the AOC policy is applicable and sufficient.

Exemption will allow Cyprus Amax to manage on-Site the piles addressed in Section 1.2.2 of the IA Workplan (until any piles exhibiting the Toxicity Characteristic are sent off-Site for disposal) and all of the mineral processing materials that were previously covered by the Bevill exclusion at the time they were generated at the Site, without subjecting such management to regulation under RCRA and the regulations promulgated thereunder. The 02(G) Exemption will not apply to the extent that any of the piles addressed in Section 1.2.2 or former Bevill-exempt materials are sent off-Site for disposal or other off-Site management.