



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGIONAL ADMINISTRATOR
REGION 5
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CHICAGO, IL 60604-3590

Teresa Mills, ED
Buckeye Environmental Network
P.O. Box 824
Athens, OH 45701

Beverly Reed
Concerned Ohio River Residents
98 5TH ST
Bridgeport, OH, 43912

Dear Teresa Mills and Beverly Reed:

Thank you for the July 11, 2022 letter to U.S. Environmental Protection Agency Administrator Michael Regan and Department of Justice Office of Environmental Justice Acting Director Cynthia Ferguson, raising environmental justice and human rights concerns about the Austin Master Services (AMS) facility in Martins Ferry, Ohio. The concerns include impacts to workers at the AMS facility, and potential impacts to the drinking water source for Martins Ferry. The letter questions the adequacy of state and local government response, and asks EPA to comprehensively investigate the entire facility and surrounding grounds owned by 4K Industrial Services, LLC (including additional sampling). It identifies environmental and health concerns related to both current facility operations, and to historical contamination.

I also appreciate the information you provided about these concerns during our virtual meeting with you and other community representatives on July 7. EPA is committed to taking all action within its authorities to investigate these concerns and to advance environmental justice. This letter summarizes the work that EPA has underway and is planning to pursue. I would greatly appreciate it if you would share this response with the other signatories to your letter.

With regard to evaluating the entire site, EPA Region 5's Superfund and Emergency Management Division (SEMD) will conduct a CERCLA Preliminary Assessment (PA) at the 4K/Austin Masters Services site, in response to a petition received April 4, 2022. EPA plans to complete this investigation by April 4, 2023, and will determine whether a site is appropriate for further evaluation by the Superfund program. Additional information about PAs is available on EPA's Site Assessment website (<https://www.epa.gov/superfund/superfund-site-assessment-activities>). Conducting a PA is a necessary first step in helping EPA determine additional steps to address historical contamination using our Superfund authorities.

Our Resource Conservation and Recovery Act (RCRA) Corrective Action (CA) program is also investigating environmental conditions at this facility in Martins Ferry. EPA has RCRA authority to address hazardous waste remaining from historic releases from past steel mill operations at the facility, including hexavalent chromium. On January 11, 2022, the RCRA CA program sent a request to 4K seeking information about the status of hazardous wastes that may be present at the facility. EPA received a response to the information request on March 15, 2022. The RCRA CA program is reviewing all information available pertaining to hazardous waste at the site, including determining the status of closures of different historical waste management units at 4K. Regarding the Technologically Enhanced Naturally Occurring Radioactive Material (TENORM) at the AMS facility, oil and gas exploration and production wastes are exempt from hazardous waste regulations under the RCRA CA program. Additionally, there are no specific solid waste regulations for oil and gas wastes. Oil and gas exploration and production wastes, in this case TENORM, do not meet the definition of radioactive waste, and therefore do not meet the RCRA definition of mixed waste. Typically, radioactive-only waste or contamination is addressed under other authorities. The Ohio Department of Natural Resources (ODNR) and the Ohio Department of Health (ODH) have primary authority regarding radioactive waste in and around the AMS site.

Finally, our Enforcement and Compliance Assurance Division (ECAD) is reviewing this facility to evaluate its compliance with federal environmental law. Central to EPA's enforcement work is the need to keep information confidential, including information on the status of an investigation. Enforcement confidentiality is discussed further in this memo: https://www.epa.gov/sites/default/files/documents/commrestrictions-nakayamamemo030806_0.pdf.

Taking the need for enforcement confidentiality into account, we will continue to maintain open lines of communication with you and your colleagues. Thank you again for bringing these concerns to EPA's attention.

Sincerely,

Debra Shore
Regional Administrator
& Great Lakes National Program Manager

cc (by electronic mail): Cynthia Ferguson, U.S. DOJ