

EP COUNCIL 3/24/25 85 N. MARKET ST. 7:00 PM

Mayor Conaway called the meeting to order, present was Mr. Blythe, Mr. Glavan, Ms. Herriot, Mr. Povenski and Mr. Simon. Dr. Rocco was absent. Also present: Village Manager Antonio Diaz-Guy, Law Director David Powers, Finance Director Melissa Hiner, Police Chief Jim Brown, W/WW Superintendent Scott Wolfe and Clerk Misti Martin. The minutes of the 3/10/25 meeting were approved on a motion by Mr. Glavan seconded by Mr. Povenski. There were no department reports. There was no clerks or safety report.

AGENDA: ERIC POHL/MARK DURNO USEPA: Mr. Durno began by stating it has been over a year since the last load of vinyl chloride contaminated soil from the original excavation left the area and four smaller low level vinyl chloride spot cleans were also performed; they have been performing “double checks” to ensure any contamination that may remain is analyzed as well as spot excavations to remove those areas. Much restoration work also remains as well as work on the east end in reference to some 2 butoxyethanol (2be) pockets that were recently removed which includes long term monitoring. There will be at minimum one more assessment of Leslie & Sulphur Run creeks; finally, they want to make sure there are no long-term threats to ground water. Mr. Pohl began by presenting a timeline of the last two years in reference to clean up and stated that their objectives under the legal orders to NS were to clean up the vinyl chloride as well any other contamination from the derailment including assessment/mitigation of oily sheets in the creeks. They have since completed the planned excavation of chemical contamination for the site. In reference to the streams, it was noted that they were hit hard after the derailment but over time they are encouraged by what they are seeing; Sulphur Run still has heavy sheen in some places but it is getting better. They will begin another assessment on the streams very soon. Air & ground water sampling/monitoring continues as does the same for private and municipal water wells. Mr. Steve Hall of USEPA stated he is onsite to oversee cleanup operations and the excavation for the chemical clean up has been completed however they have noticed a nuisance odor at the site that is related to a food material called semolina flour that was on one of the cars; after investigation/excavation last the felt it had all been removed but the odor is now back just west of State Line Tavern. NS will be investigating for any remaining pockets of the flour. The area at the east end where the 2be was removed will now be transitioned to an enhanced monitoring area which includes using existing and new monitoring wells in the wetland area and south of the tracks. Restoration activities continue as is community air monitoring/sampling however they believe with the end of excavation of contaminated materials that NS will request to discontinue that process soon. With all of the completed sampling NS has submitted reports for those which will be reviewed to determine if approval will be given to discontinue the above processes. Michelle Kerr of USEPA Region 5 stated NS will be conducting another round of assessments for Sulphur & Leslie Run as well as continued sampling of ground water from sentinel & public wells, private wells. They will continue to maintain availability to the public via public email and newsletter as well as posting data/reports on the epa website. The USEPA’s proposed settlement with NS which includes a consent decree as well as a document about rail safety, a local watershed improvement plan, and a long-term monitoring plan if approved by the court. Mr. Simon asked for specifics about the flour material; Mr. Hall stated the product has a fleeting slightly sour smell. It was identified/excavated last fall however after investigation a few small pockets of the material are believed to remain; once located they will remove those pockets. A resident asked if cleanup includes the stream banks/sediment and if contamination is found during the ten-

year monitoring is that then considered part of the cleanup; Mr. Durno stated they will move forward with the next stream assessment and see what it tells us. Former resident Jami Wallace asked how NS covered up the contamination and rebuild the tracks without the EPA knowing; Mr. Pohl stated they didn't do it without them knowing/seeing it was a matter of not having orders in place at the time. Audience member Linda Murphy asked for clarification as to the location of the rail car of semolina flour and stated there are other things that spilled that cannot be seen so how can residents feel reassured that things are safe. Mr. Durno stated that the flour was not specifically sampled for and that they do specifically sample for chemicals. Mr. Durno added NS is cleaning up the flour of their own accord, EPA has not ordered them to do so. In reference to NS handling clean up Mr. Durno added the EPA makes the orders, review the plans and oversees the process. Resident Christa Graves asked if NS was still using a contractor that has a history of falsifying evidence; Mr. Durno stated they are still using the same contractors. Heather Vantassell of Three Rivers Water Keepers asked for the metrics used during the assessments; in reference to air knifing but in between if only assessments are being done but no remediation all that does is push the contamination downstream; Mr. Durno stated that they feel the bulk if not all of the derailment related chemicals have been remediated but they cannot say that for 100% certainty. Sulphur Run runs through a commercial/industrial area as well as road discharge to the stream do not make it conducive to aquatic life. Leslie Run used to be a dead stream but now is teeming with life. Resident Pam McGahan stated she was told by an environmental scientist that in three years EP would be unlivable because it takes that amount of time for rain water to reach our water system; Ms. Kerr stated there is no definite answer as to how long rain water takes to move through the ground however monitoring wells close and far away from the site were being tested very soon after the derailment. Those results are telling them there is no impact from derailment related chemicals at this time and it will continue to be monitored. EPA Hydrogeologist Judy Canova stated she has worked on this project since March of 2023 and was asked to develop the clean up goals for the soil to protect the groundwater; she stated they did very detailed sampling to check for exceedances and if one was detected it was excavated but, in any situation, there is a chance something was missed and that is why they do long term monitoring. **JAMI WALLACE-COMMUNITY CONCERNS.** Ms. Wallace stated the municipal building was the only building that smelled worse than her home after the derailment and that she asked village government if there was vapor intrusion in the building along pipes that had to be capped; she found out later that that was the case and asked why the public wasn't notified. Mayor Conaway stated the building was tested/monitored at which time Manager Diaz-Guy stated he would inquire about the testing results for her. Ms. Wallace asked why the village didn't notify the residents of the vapor intrusion in the municipal building and why they the village doesn't talk about human health, why the village didn't publicize that the air knifing machines were making people sick, why the schools weren't properly cleaned. Ms. Wallace stated people that want to leave need to be relocated and she feels local government should back those them. Wallace stated Dr. Lard says the soil is still contaminated; Mr. Durno stated his conclusions were similar to those of the EPA, they had a few roadside samples with elevated numbers as did the EPA. Durno added that is an industrial area next to a road with many other sources that create those types of chemicals; every sample they have seen from residential properties they have not seen elevated levels. Mr. Durno also stated they conducted offsite soil studies and the conclusion was there were no impacts from the plume that created hazards in residential, commercial, agricultural or recreational properties. Wallace stated

they have proof that people invited in for the street fair were still being contaminated four months later. Manager Diaz-Guy stated moving forward it is his job to advocate for the residents adding that he now has access to the studies Wallace referenced; his next steps include vetting those studies with the EPA and other governmental organizations.

MANAGER: Manager Diaz Guy requested a motion from council to move forward to permit the village to enter into a nomination process for a loan/grant for the completion of the Water Treatment plant design from 30% to 100%. Mr. Povenski made the above motion seconded by Mr. Glavan. Passed unanimously. Weekly Park updates will be published on EP Information FB page. Community feedback is appreciated as helps build project lists. The 150-year celebration for EP will be on July 12, Matt Dodge of the Historical Society will be taking the lead on the project. In reference to Phase 2 of the park project we will continue as is but we are considering taking on phase 3 of the park project which would entail Michael Baker direct to the Village. We will be stepping up enforcement of the recycling bins as there has been much more dumping as of late which will include additional signage; we will be enforcing the penalties on anyone who is caught. A motion was requested to re-advertise for the law director position; Mr. Glavan made the motion seconded by Mr. Blythe. Passed unanimously. In reference to park rentals throughout the summer Manager Diaz-Guy stated rentals can be transferred to the 2026 season, refunds will not be issued per village policy. In reference to the train depot testing has been completed, transfer of property/lease paperwork are in process.

LAW DIRECTOR: Atty. Powers stated packets included a draft ordinance for updating the Community Reinvestment Area program; in consultation with the manager additional forms will be added as appendices.

STREET: Mr. Simon noted that Street Superintendent Baird attended a recent OMEGA meeting in reference to potential future grants for the village. The Str. Dept. worked on cleaning bridges and also spent considerable time cleaning the recycling areas.

PARK/REC/CEM: Manager Diaz-Guy stated they are reviewing a list of potential projects at the cemetery.

DEVELOPMENT: Ms. Herriot stated the State of Ohio Audit for the village starts 3/24. Additional Think Tank meetings will begin soon. RCAP is working with the Chamber for start up business trainings. She stated she will be meeting with Lance Willard of Columbiana to discuss how things worked with their youth council member. The CIC has met to review potential tenants for the train depot and noted the next meeting was 3/25.

UTILTIY: Mr. Blythe stated there were normal operations at both plants as well as fire hydrant and valve work were completed in the last week.

THERE WERE NO VISITORS COMMENTS ON CURRENT LEGISLATION

VISITORS: Jerry Coblentz, Cindy Cowan, Kent Chapman, Carol Harvey, Natalie Oryshkevich, John Davis, Ron & Peggy Caratelli, Sandi Weigle, James Goodman, Missy Smith, Dot Herbert, Barb Kliner, Cory Brittain, Aaron Barnhouse, David Peters, Heather Van Tassell, Tom Brittain, John ?, Brenda Povenski, April Rummel, Mark Rhodes, Brian & Amy Moore, Christina Dilworth, Brian Rutledge, Ron Duffy, Pam McGahan, Dan McKinstry, Stephanie Elverd, Jami Wallace, Christina Siceloff, Russell & Linda Murphy, Dave Biggins, Traci Spratt, Christa Graves, Tamara Freeze, Officers Milliken & Coontz.

LEGISLATION: Mr. Glavan introduced Ord. 1-2025 for a first reading and made a motion that it be read in its entirety, seconded by Mr. Simon. **An ordinance amending § 1068.05 (r) (Cemetery) Regulations of the codified ordinances of East Palestine, Ohio.** Mr. Glavan introduced Ord. 2-2025 for a first reading and made a motion that it be read by title only seconded by Mr. Blythe. **An ordinance authorizing the Municipal Manager to advertise for public bid for the construction/paving, to be known as the 2025 street resurfacing project and to further award and enter into a contract with the lowest and best bidder, as relates to the contract, pursuant to the specifications and bidding requirements as determined by the municipal manager and in compliance with law.** Mr. Glavan introduced Ord. 3-2025 and made a motion that it be read in its entirety seconded by Mr. Simon. **An ordinance revoking resolution 11-2021 and amending section 2 of ordinance 27-1992.** Mr. Glavan made a motion to suspend the rules and declare an emergency, seconded by Mr. Blythe. Passed unanimously. Mr. Glavan called for a vote on Ord. 3-2025. Passed unanimously. Mr. Glavan introduced Ord. 4-2025 for a first reading and made a motion that it be read in its entirety. **An ordinance amending sections of chapter 888 of the codified ordinances of East Palestine, Ohio.** At this time Mr. Povenski made a motion to go into executive session per ORC 121.22 G1 to consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official inviting in Manager Diaz-Guy, Atty. Powers and Clerk Misti Martin. The motion was seconded by Mr. Simon; passed unanimously. There would be no business to follow.

ADJOURN: Mr. Povenski made motions to return to regular session as well as adjourn the meeting. The motions were seconded by Mr. Glavan. All in favor, meeting adjourned.

MISTI J. MARTIN CLERK

MAYOR TRENT CONAWAY