

Village of Tremont City Resolution 2024-03

ROADS AND STREETS USE AGREEMENT

This ROADS AND STREETS USE AGREEMENT dated as of the 6 day of June, 2024 (the "Agreement"), is entered into by and between Responsible Environmental Solutions Alliance II ("RESA II"), an unincorporated, non-profit association organized under Ohio Revised Code Chapter 1745, and the Village of Tremont City, Ohio ("Village") for use of certain roads and streets located inside the boundaries of the Village by RESA II and its contractors.

WITNESSETH:

WHEREAS, the United States Environmental Protection Agency ("EPA") has issued and approved a Record of Decision for remediation of the Tremont City Barrel Fill Superfund Site in Clark County, Ohio (the "Site"), dated September 28, 2011 (the "ROD"); and

WHEREAS, EPA issued an Explanation of Significant Differences (the "ESD") on February 12, 2018, which modified and adjusted the remedy selected in the ROD; and

WHEREAS, the current Members of the RESA II, Chemical Waste Management, Inc., Franklin International, Inc., International Paper Company, PPG Industries, Inc., The Procter & Gamble Company, Strebor Inc., and Worthington Cylinder Corporation (the "Members"), have entered into a Consent Decree with EPA whereby the Members, while denying any and all liability with respect to the Site, have agreed to perform the Remedial Design and Remedial Action selected and defined in the ROD, as revised in the ESD, pursuant to the terms of the Consent Decree and the Statement of Work ("SOW") incorporated therein, as entered by the U.S. District Court for the Southern District of Ohio in Case No. 3:22-cv-132 on October 4, 2022, including the remediation of contaminated soils, and/or as appropriate, the removal, treatment and disposal of drummed industrial waste located at the Site by an EPA approved facility (the "Project"); and

WHEREAS, on August 14, 2023, the Village enacted Ordinance 2023-05 "Emergency Ordinance to Designate all Streets inside the Village as No Thru Truck Streets" (the "Ordinance") (attached as Exhibit A); and

WHEREAS, RESA II desires to use the streets within the Village for the transport of contaminated soils and drummed industrial waste in the performance of the Remedial Action for the Site, as fully described in the ROD.

NOW, THEREFORE, in consideration of the premises and the mutual covenants and agreements contained herein, RESA II and the Village agree as follows:

1. The Chief of Police of the Village shall issue an irrevocable permit in accordance with the Ordinance allowing trucks and other vehicles utilized by RESA II and its contractors (in the form of Exhibit B hereto) to access and traverse the approximately 1,600 feet of Village streets (as shown in white on Exhibit C hereto) for purposes of performing RESA II's obligations as described in the Consent Decree and SOW, including the transport of contaminated soils and drummed industrial waste from the Site;
2. The irrevocable permit shall remain in full force and effect for the duration of the Remedial Action at the Tremont City Barrel Fill Site (i.e. until EPA issues a Certification of RA Completion under Paragraph 4.5 of the SOW);
3. RESA II and its contractors will obey all applicable Village traffic regulations;
4. RESA II will provide an escort vehicle equipped with appropriate spill response equipment and personnel for the time that any waste transport truck or group of trucks enters until it or they leave the limits of the Village;
5. At the time of its completion of the Remedial Action for the Site, RESA II will use reasonable efforts to repair any damage to the approximately 1,600 feet of Village streets caused as a result of passage of vehicles operated by RESA II or its contractors by returning the streets to their condition prior to the commencement of the Remedial Action; and
6. Within 45 days of the issuance of the irrevocable permit described in Paragraph 1 above, RESA II will pay a one-time special use permit fee to the Village of \$50,000.00 (Fifty Thousand Dollars). Payment will be made to the Village General fund.

[signatures begin on next page]

WITNESS the execution hereof by the undersigned duly authorized representative of RESA II as of the date of this Agreement.

**RESPONSIBLE ENVIRONMENTAL
SOLUTIONS ALLIANCE, II**

By: RWR Rule 6/6/2024

Robert W. Rule

RESA II Project Coordinator

WITNESS the execution hereof by the undersigned duly authorized representative of the VILLAGE as of the date of this Agreement.

VILLAGE OF TREMONT CITY, OHIO

By: 

Printed Name: Tony Flood II

Title: Mayor 5/13/2024

Exhibit A
(Village Ordinance 2023-05)

ORDINANCE 2023-05

AN EMERGENCY ORDINANCE TO DESIGNATE ALL STREETS INSIDE THE VILLAGE AS NO THRU TRUCK STREETS

BE IT ORDAINED BY THE Council of the Village of Tremont City, State of Ohio:

WHEREAS, No person shall operate a commercial tractor-trailer regardless of weight; a double-axle truck, regardless of weight; a single-axle truck exceeding a gross weight of 10,000 Lbs. GVWR; or any other motor vehicle exceeding 10,000 Lbs. GVWR upon any street in the municipality except when necessary to make a delivery or pickup inside the village.

WHEREAS, Exemptions to this ordinance:

- Trash hauler contracted by the Village
- School bus
- Agricultural vehicles
- Emergency response vehicles
- Utility company vehicles
- Clark County, German Township, or State of Ohio road maintenance vehicles

WHEREAS, The Chief of Police or Mayor can issue a permit to allow applicants to move an oversized or overweight vehicle via the Village streets.

WHEREAS, Signs will be posted No Thru Trucks over GVWR of 10,000 Lbs. Or words of similar import to apprise drivers of the limitations imposed by this ordinance. No driver shall disobey the instructions indicated on any such sign;

WHEREAS, No owner and/or employer of any drivers of any commercial truck shall cause his or her employee and/or driver to purposely violate this ordinance. Such violation by an owner, operator, and/or employee shall be deemed a first-degree misdemeanor and will be cited into the Village of Tremont Magistrate Court.

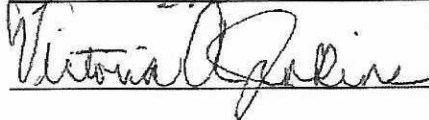
THEREFORE, BE IT RESOLVED, that Ordinance 2023-05 is hereby adopted this 14th day of AUGUST, 2023.

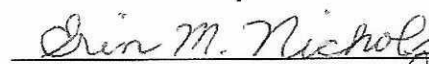
The roll being called upon its adoption the resulted as follows:

_____, Council

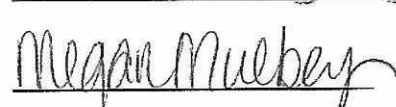
_____, Council

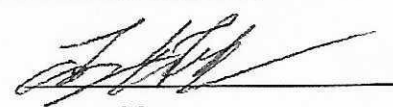
 _____, Council

 _____, Council

 _____, Council

 _____, Council


 _____
Clerk

 _____
Mayor

The State of Ohio, Clark County, ss.

I, Megan Mulkey, Fiscal Officer of the Village of Tremont City do hereby certify that the foregoing is taken and copied from the Record of the proceedings of said Village; that the same has been compared by me with the Ordinance on said record and that it is a true and correct copy thereof.

Witness my signature, this 14 day of August, 2023



Megan Mulkey, Fiscal Officer

Exhibit B

The Terms and Conditions identified in paragraphs 1 through 6 of this Roads and Streets Use Agreement shall constitute the “irrevocable permit”.

Exhibit C

