



## Cuyahoga County Justice Center

### Executive Steering Committee Meeting

Cuyahoga County Council Chambers  
April 21, 2022  
9:00 A.M.



#### Meeting Purpose

*"Consideration of a potential site for the Cuyahoga County Corrections Center and Presentation Regarding Environmental Analysis"*



This Meeting may be viewed by livestream using  
the following link:

<https://www.youtube.com/cuyahogacounty>

# Agenda

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- I. CALL TO ORDER**
- II. ROLL CALL**
- III. HOUSEKEEPING & PROTOCOL; REVIEW OF AGENDA**
- IV. EXECUTIVE SESSION TO CONSIDER ACQUISITION OF PROPERTY FOR PUBLIC PURPOSE (NEW CUYAHOGA COUNTY CORRECTONS CENTER)**
- V. RETURN FROM EXECUTIVE SESSION**
- VI. PRESENTATION REGARDING STATUS OF SITE SELECTION PROCESS INCLUDING ENVIRONMENTAL CONSIDERATIONS**

## VII. DETERMINATION 04.05.2022–Corrections Center Site

The Steering Committee hereby determines that the site located at 2700 Transport Road in Cleveland, Ohio, being otherwise described as Permanent Parcel Numbers 122-27-001 and 122-27-007 (38.9540 acres) and 122-27-013 (5.7320 acres) is an acceptable site for the new Cuyahoga County Corrections Center complex, provided it can be obtained on commercially reasonable terms, and contingent upon environmental analysis as required to provide reasonable assurance that current environmental restrictions can be removed. The Steering Committee further determines that the County should continue its investigation of alternative sites and return to the Steering Committee for approval of any recommendation to proceed on an alternate site.

- A. Public Comment
- B. Discussion
- C. Motion by Steering Committee
- D. Further Discussion (if required)
- E. Vote

## VIII. ADDITIONAL PUBLIC COMMENT (Unless Combined with Comments Above)

## IX. NEXT STEPS/NEXT MEETING

## X. ADJOURNMENT

## **IV. Executive Session to Consider Acquisition of Property for Public Purpose (New Cuyahoga County Corrections Center)**

(Roll Call Vote)

# V. Return from Executive Session

(Motion Required)

# **VI. Presentation Regarding Status of Site Selection Process Including Environmental Considerations**

# Site Selection Process

- October 1, 2020 – Steering Committee presented with draft Site Criteria for Corrections Center site selection
- November 12, 2020 – Steering Committee agrees on proposed Site Criteria and authorizes County to "initiate the Site exploration/selection process"
- February 11, 2021 – First Executive Session to consider Acquisition of Property for Corrections Center
- March 5 – 21, 2021 – Community Engagement for Site Selection including Survey and opportunity for Public Input
- March 25, 2021 – Presentation regarding Public Input as to Site Selection Criteria and Jail Planning
- June 10, 2021 – Second Executive Session to consider Acquisition of Property for Corrections Center
- June 10, 2021, to present – Due Diligence and Work led by County Prosecutor's office to Continue to Assess Site Alternatives
- February 7, 2022 – Response to RFP Issued for Alternate Proposed Sites; One Site is proposed
- April 5, 2022- Third Executive Session to consider Acquisition of Property for Corrections Center

CUYAHOGA COUNTY JAIL SITING SELECTION SCORESHEET	
Selection Criteria	Local/State Impacts
<b>Access to Public Transit</b>	<ul style="list-style-type: none"> <li><b>Green</b> – Public transit currently available within 2 blocks of the site, 7 days a week</li> <li><b>Yellow</b> – Public transit available in vicinity of site and STA connects to existing to site, 7 days a week.</li> <li><b>Red</b> – Public Transit not readily available or no commitment to provide</li> </ul>
<b>Parking/Access Alternates &amp; Visitors</b>	<ul style="list-style-type: none"> <li><b>Green</b> – Site will accommodate on-site parking for attorneys, volunteers, visitors &amp; families</li> <li><b>Yellow</b> – Parking is not available on site but readily available at reasonable rates adjacent to the site</li> <li><b>Red</b> – Limited public parking available</li> </ul>
<b>Highway Access – Law Enforcement, Attorneys, Volunteers, Families &amp; Visitors</b>	<ul style="list-style-type: none"> <li><b>Green</b> – The site is located within 2 miles of an expressway exit with good arterial street access</li> <li><b>Yellow</b> – The site is located within 4 miles of an expressway exit with good arterial street access</li> <li><b>Red</b> – The site is located more than 4 miles of an expressway exit, or has poor arterial street access</li> </ul>
<b>Proximity to the Courts</b>	<ul style="list-style-type: none"> <li><b>Green</b> – The site is located within an 8 mile or a 15 minute drive to the Cuyahoga Justice Center or CBD</li> <li><b>Yellow</b> – The site is located within a 12 mile or a 30 minute drive to the Cuyahoga Justice Center or CBD</li> <li><b>Red</b> – The site is located more than a 12 mile or a 30 minute drive to the Cuyahoga Justice Center or CBD</li> </ul>
<b>Proximity to Emergency Services</b>	<ul style="list-style-type: none"> <li><b>Green</b> – Fire &amp; ambulance services available within 10 minutes of site; driving time to nearest hospital is 15 minutes or less</li> <li><b>Yellow</b> – Fire &amp; ambulance services available within 15 minutes of site; driving time to nearest hospital is 20 minutes or less</li> <li><b>Red</b> – Fire &amp; ambulance services are not available within 15 minutes of site; driving time to nearest hospital is greater than 20 minutes</li> </ul>

## Site Selection Background

- 28 Sites were identified by real estate consultants and evaluated based upon site criteria
- The Steering Committee held 3 Executive Sessions to review property acquisition and consider various sites
- Comparative site analysis was presented, including:
  - Location relative to courts, public access and emergency access
  - “Fit” of the facility on the proposed site
  - Neighborhood impacts
  - Acquisition issues
  - Suitability of site for residential jail use
  - Relative costs of acquiring sites
  - Relative costs of improving sites, **including preliminary environmental and geotechnical analysis**



2700 Transport Road  
44.685 Acres



Massing Study



# Environmental Review

- Suitability of sites from an environmental and geotechnical perspective is an express criteria for site selection.
- The Prosecutor's Office retained Real Estate and Environmental Counsel (Singerman Mills Desberg & Kauntz) and an Environmental Consultant (Partners Environmental Consulting) that commenced environmental "due diligence" for the 2700 Transport Road site in September 2021.
- The proposed Determination regarding 2700 Transport Road was fully informed by that investigation and included a budget for environmental remediation based on Partners' analysis.



- John T. Garvey, Vice President, Certified Professional
- Valerie Weir, CPG, Senior Hydrogeologist



Mr. John Garvey, CP #118, CPG, is Partners' Vice President, and Director of its Assessment, Remediation and Revitalization (ARR) Practice Area. Mr. Garvey has been with Partners for over 15 years, has been a CP since 1995, and has been practicing since 1987. He is responsible for technical services associated with assessment and remediation projects. He directs regulatory negotiations regarding CERCLA, RCRA, Ohio VAP, BUSTR, and other programs and provides project design and management services. He has also maintained his credentials as a CP since the inception of the VAP, directing work on various Brownfield projects, including the issuance of 28 NFA Letters and the receipt of 22 CNSs, plus two (2) pending CNS. In addition, Mr. Garvey issued Urban Setting Designations (USDs) documents to the Ohio EPA for three (3) properties in Cuyahoga County and one (1) in Lake County

Ms. Valerie Weir is a Senior Hydrogeologist and Senior Project Manager with 28 years of experience. She has conducted more than 30 VAP Phase II Property Assessments involving Property Specific Risk Assessment and/or fate and transport modeling. All have received No Further Actions and Covenants Not to Sue from the Ohio EPA. Her experience consists of the management and implementation of Phase II investigation and remediation projects and UST closures/cleanups under the Ohio EPA VAP, RCRA, and USEPA regulatory frameworks. Ms. Weir specializes in property specific risk assessment for residential, commercial, construction, agricultural, and recreational land uses and has a thorough working knowledge of exposure scenarios and requirements for evaluation and ecological risk assessment. She conducts statistical data evaluation, technical support, and peer review of assessment and remediation projects. She also has a focus in fate and transport modeling of chlorinated solvent plumes.



## Evolution of Ohio's Voluntary Action Program (VAP)

Throughout the 1970s and '80s, environmental regulators, consultants and end users struggled with the question "How clean is clean?"

In 1992, the USEPA published comprehensive human health risk assessment guidance documents providing the tools to answer the decades old question "How clean is clean?"

Ohio EPA established the VAP rules and regulations in 1995 (OAC 3745 and ORC 3746) as an environmental assessment and remediation program to address historically contaminated sites and allow a clear path for productive reuse of land for residential, commercial, and industrial development. Such programs now exist throughout the US.



The VAP is a socially responsible program allowing brownfield properties to be used productively once again while improving and protecting the environment.

While the State chose not to go ahead with a jail at the property in the 1980s, that was before USEPA established risk assessment procedures and Ohio EPA put mechanisms in place to determine the impacts to occupants and ensure that the reuse of a property can be done safely.

## The VAP Process

- Phase I Property Assessment (Research history and previous assessments)
- Phase II Property Assessment (Testing soil, water and vapors)
- Risk Assessment (Evaluate risk to end users and workers)
- Remediation (Remedies, engineering controls & institutional controls)
- No Further Action issued by the VAP Certified Professional
- Covenant Not to Sue issued by the Director of the Ohio EPA
- Long term monitoring and Ohio EPA audits

If the proper process is followed, prior industrial sites can invariably be remediated for residential use.

# Industrial Use to Residential Use under the VAP



- Chesapeake Lofts, Sandusky



Former Hinde and Dauch Paper Co.  
From 1888 to 1997

Petroleum compounds  
& metals



- Battery Park, Cleveland

Former Eveready Battery Co.  
from 1890s to 1999

Petroleum compounds, arsenic, &  
benzene and chloroform in soil vapor



# Industrial Use to Residential Use under the VAP



- **Cherry Blossom Senior Living, Columbus**  
Former AT&T / Lucent Facility  
From 1957 to 2011

Chlorinated solvents & petroleum compounds



- **American Can Lofts, Cincinnati**  
Former manufacturing sheet metal operations  
From 1921 to 2006

Volatiles, petroleum, PCBs, & metals



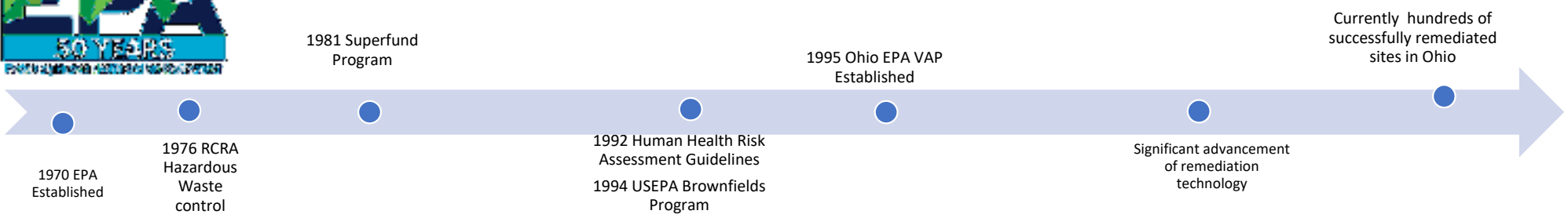
## East Bank of the Flats

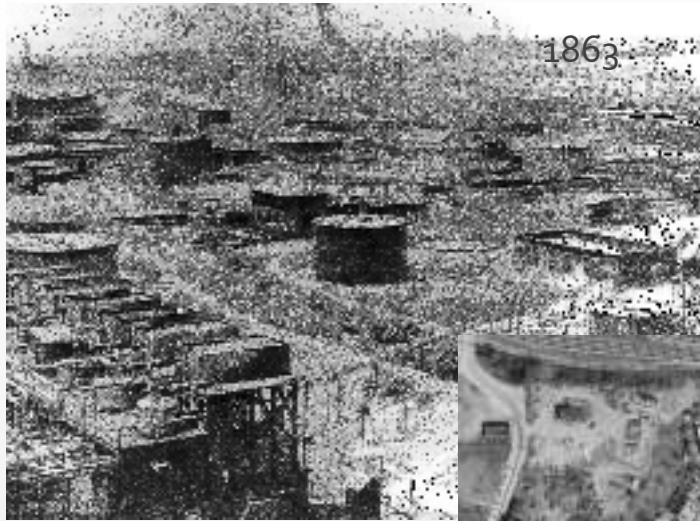
- Historical operations included boat building, grinding, painting, printing, machining, oil and chemical storage, coke handling, metal working, and manufactured gas generation.
- The remediation at the site was driven by petroleum hydrocarbons and chlorinated solvents.
- Remediation included minimum two-foot cap of clean soil and the use of engineering controls, including buildings, pavement, and vapor barriers, in order for the site to meet standards.
- Brownfield remedial activities included excavation of soil exceeding standards, placement of clean soil covers, installation of vapor barriers, and offsite disposal of materials.



The rejection of the site in the 1980s for a prison is irrelevant because that occurred a decade before the VAP Program was instituted providing clear guidelines for “what is safe”; before the site was fully assessed for environmental contamination; before millions were spent on site remediation; and before modern methods of remediation such as installation of effective vapor mitigation systems became commonplace.

Environmental conditions at the Transport Road site are equal to or better than many other sites in Ohio that have been successfully remediated and currently enjoy full residential use





1863

## Previous VAP Phase I Assessment at 2700 Transport Road

The property was assessed by URS and remediated under the VAP in 2000-2005 to allow for commercial/industrial use.



1993



2021

- 1863 to 1966 Standard Oil Refinery
- 1966 to 1981 BP Asphalt Production
- Facilities demolished 1990 and regraded
- Central area used as a trucking company from 1975

# Previous VAP Phase II and Remedy at 2700 Transport Road

## PHASE II ASSESSMENT

- 48 soil borings
- 34 groundwater monitoring wells
- 30 shallow soil samples

## FINDINGS

- Petroleum hydrocarbons in soil and in 8 of the groundwater wells

## REMEDIATION COMPLETED

- Placement and maintenance of a two (2) foot thick soil cover/pavement over the Property as an engineering control.
- Installation of sheet pile cut-off walls at down gradient boundaries that intersect the alignment of the former Kingsbury Run channel and groundwater flow paths.
- Surface regrading of the property to direct storm water to a new drainage network connected to the NEORS D stormwater system.

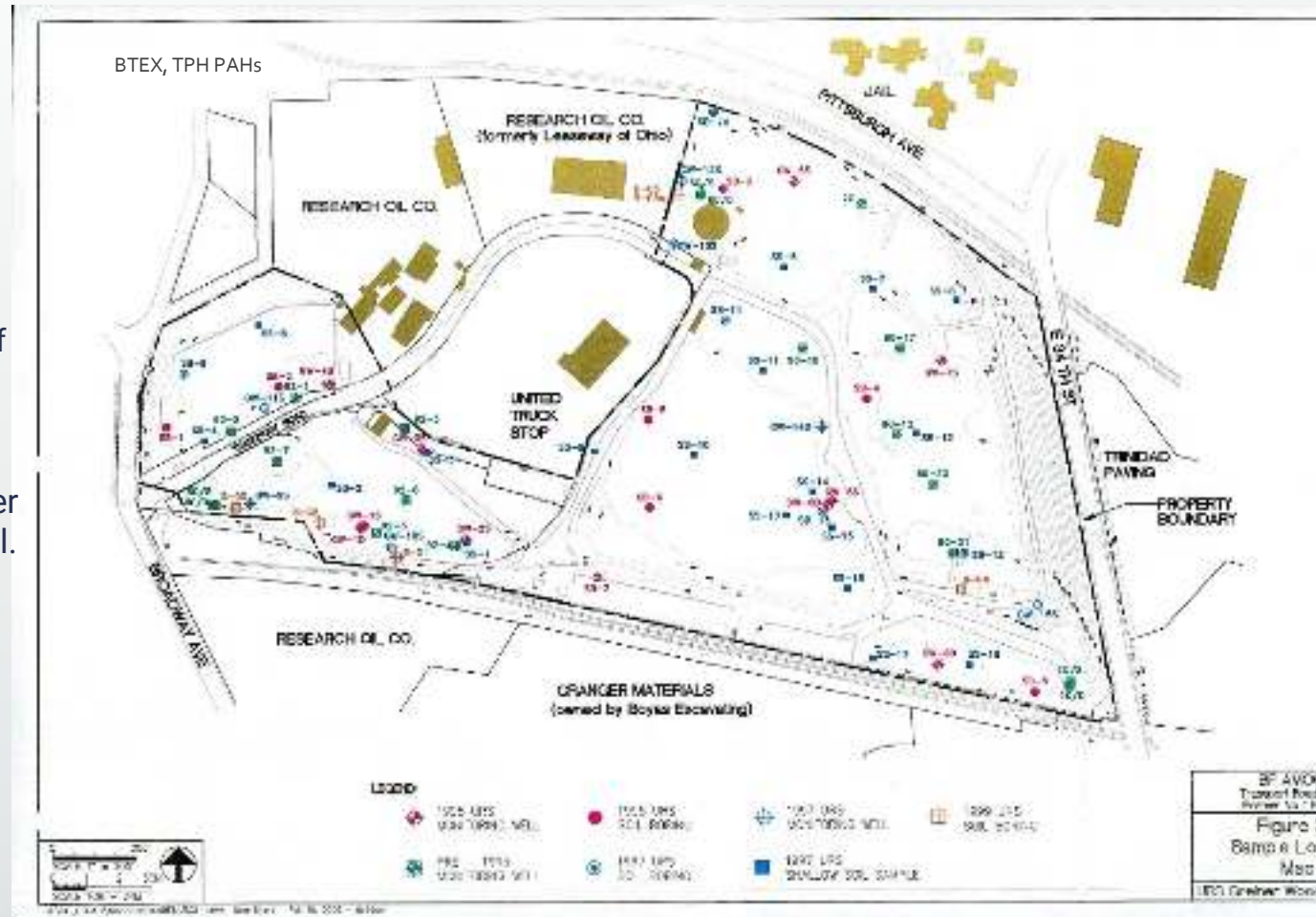


Figure 3  
Sample Locations  
Map

## What does this mean for 2700 Transport Rd

While the property is well studied, further assessment is needed to evaluate current conditions as petroleum compounds biodegrade and conditions improve with time.

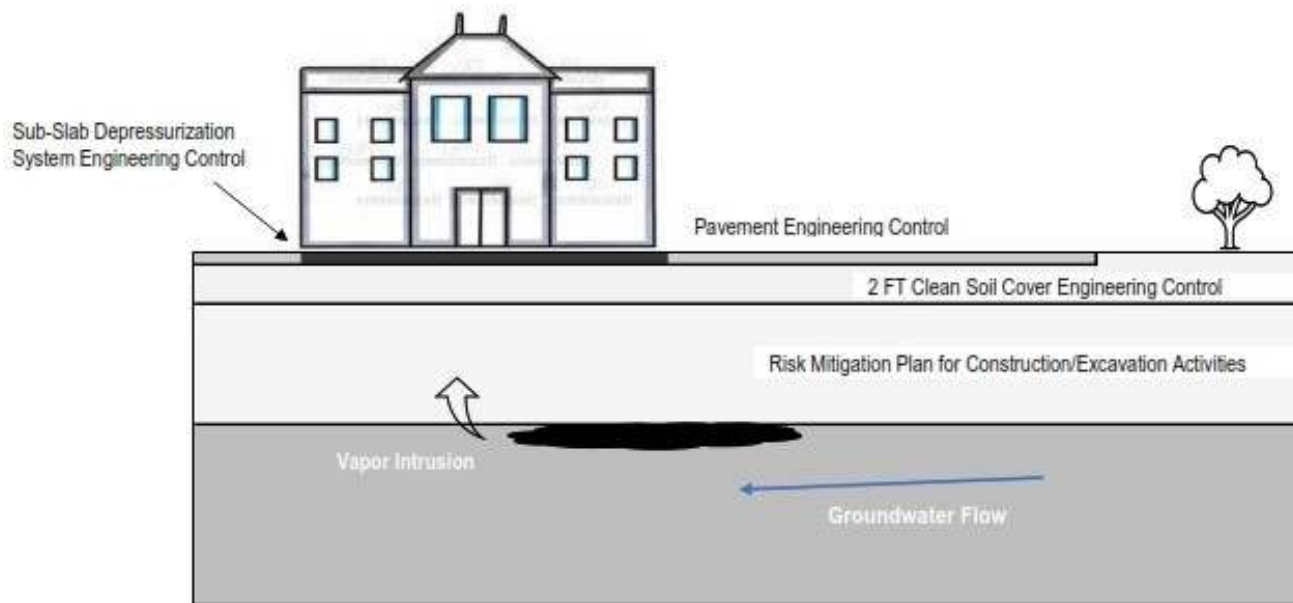
### Assessment and Remediation to Allow for Residential Use

- Enter the Ohio EPA VAP
- Further VAP Assessment to confirm previous results and establish current conditions
- Property Specific Risk Assessment for Restricted Residential Land Use
- Obtain Ohio EPA Technical Assessment
- Conduct remedial activities
- Submit No Further Action for Restricted Residential Use
- Obtain Covenant Not to Sue from Ohio EPA

### Planned Remedial Activities:

- Maintaining two foot cap of clean soil and use of engineering controls, including buildings, pavement, and vapor barriers
- Excavation of soil exceeding standards and placement of clean soil cover in green space areas
- Installation of vapor mitigation systems in the buildings
- Indoor air testing
- Long term monitoring and annual reporting to the Ohio EPA

# Conceptual Site Model



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## **VII. DETERMINATION 04.05.2022—Corrections Center Site**

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- A. Public Comment**
- B. Discussion**
- C. Motion by Steering Committee**
- D. Further Discussion (if required)**
- E. Vote**

## How will we know it is safe?

- All assessment and remediation will be reviewed by Ohio EPA
- Ohio EPA Technical Assistance throughout the process
- Indoor air testing prior to occupancy
- Covenant Not to Sue issuance
- Continuing obligations
  - Operation and Maintenance Plan (OMP) for vapor mitigation system and cap  
Requires long-term monitoring and annual reporting to the Ohio EPA
  - Risk Mitigation Plan (RMP) to protect occupants and construction workers  
Requires long term monitoring and annual reporting to the Ohio EPA





## **VI. Determination Regarding Acceptable Site for County Corrections Center**

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- A. Public Comment**
- B. Discussion**
- C. Motion by Steering Committee**
- D. Further Discussion (if required)**
- E. Vote**

**VIII. Additional Public Comment  
(Unless Combined with Comment  
Section Above)**

**IX. Next Steps /Next Meeting**

**X. Adjournment**