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Cleveland, Ohio 44109
June 6, 2011

Chief, Ohio Department of Natural Resources
Division of Mineral Resources Management
2045 Morse Road, Building H-3
Columbus, Ohio 4329-6693

Dear Chief of Natural Resources:

The letters you received in March, 2010, from the 210 residents located adjacent to the proposed strip mine contain valid issues for the denial of Mining Permit #10428.

We are asking your department to deny Permit #10428 for the following new reasons. First, Ty, Inc., stated it was going to dig down 30-40 feet and mine 20,000 to 30,000 cubic yards of soil, sand, and clay over 8.5 acres.

To the Cleveland Board of Zoning Appeals Ty, Inc., stated it is going to remove 500,000 cubic yards of soil, sand, gravel and clay over 8.5 acres. This was referred to "as just moving a little dirt."

I am asking the Natural Resources Division to enforce Application Rule OAC-3745-02© that "all statements or assertions are true and complete." Ty, Inc., has provided false and misleading statements in Mining Application #10428.

Secondly, this area contains illegally dumped Aluminum Dross (white). The extent of this dumping has not been determined at this point.

Third, this proposed 8.5 acre strip mining project will expose the upper level of the Cuyahoga Valley Aquifer to the air. This aquifer is replenished by or feeds the following streams: Spring Road Creek to the North, unnamed stream to the east, Big Creek farther to the North and the Cuyahoga River to the Northeast. This Aquifer flows at 3-10 gpm up to 250 gpm depending upon where you drill in the Cuyahoga Valley.

This is troubling to the residents of Gino Lane and Sky Lane Drive because of the following facts we have just learned this week. Harshaw Chemical Co. was an integral part of the Manhattan Project from 1942 to 1946. HCC dumped unrefined and refined "yellowcake" (uranium oxide) at the corner of Bradley and Jennings Roads.

The Army Corp of Engineers designates this area as IA07 in its report:

*Former Harshaw Chemical Site
Remedial Investigation Report
Revision 1
December, 2009*

The description of the area is south of Harvard Ave., east of Jennings Rd., north of Bradley Rd., west of the Cuyahoga River and an active B&O railroad spur to the east. This land area is only 5 to 9 feet above the rivers mean historical levels.

The above 5.5 acre site was the disposal area of unknown types uranium isotopes of HCC related wastes and materials. The Army Corp states that the disposal area where "yellow cake" is found is in the extreme southern portion of the acreage. "Yellow cake" is found in the southern part of area IA07 to a depth of 27 feet. These radiological isotopes sit on the shale bed rock that is described as "fractored and fissile." Surveys of this area detected elevated radiological contamination in the fill area. This southern area contains "grossly-contaminated building debris," In short the area is hot!

We are concerned that Ty, Inc.'s, removal of 500,000 cu. yd. of soil, sand gravel, and clay will provide or create an open ground water pathway in the form of a ground water sink to release U-232, U-235, U-238, thorium 232, 230, & 228, radium 226, 228, lead 210, and sister isotopes found at site IA07 into the aquifer within the strip mine and under our homes.

The USAC writes that site IA07 contains significant COPC's (Constituent of Potential Concerns) and COPEC's (Constituent of Potential Ecological Concerns). The report further states "uncertainty regarding contaminated soil and or fill material throughout a large portion of area IA07." "Samples showed very high levels of uranium." The samples taken are co-mingled and uncontained. One sample cited 3463 pCi/g for total uranium.

Currently there is no known pathway for these radiological isotopes to enter this area. Please use your institutional controls to stop this proposed mining.

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Keep in mind that approximately 204,000 people and 36,000 children live within 4 miles of this contaminated site and proposed strip mine. We believe if you allow this strip mine, it has the potential to create a radiological ecological disaster that could affect the drinking water of northeast Ohio by releasing uranium isotopes into the "crib" located just 12 miles away in Lake Erie.

I do not want our neighborhood to rival or surpass the ecological disasters in Hinckley, Ca., Times Beach, Mo., Love Canal, N.Y., or Woburn, Ma.

Please deny Mining Permit #10428 and any mining permit in this area forever. The half life of these radiological isotopes is 1000 years.

Sincerely,

Ronald J. Brady

Enclosures (2)