



State of Ohio Environmental Protection Agency

STREET ADDRESS:

Lazarus Government Center
50 W. Town St., Suite 700
Columbus, Ohio 43215

TELE: (614) 644-3020 FAX: (614) 644-3184
www.epa.state.oh.us

OHIO E.P.A.

MAILING ADDRESS:

FEB -6 2008 P.O. Box 1049
Columbus, OH 43216-1049

ENTERED DIRECTOR'S JOURNAL

CERTIFIED MAIL

FEB 06 2008

Joel L. Mazur
City of Toledo
Division of Environmental Services
348 South Erie Street
Toledo, Ohio, 43604

I certify this to be a true and accurate copy of the official documents as filed in the records of the Ohio Environmental Protection Agency.

By:  Date: 2-6-08

Re: **Closure Plan Approval
Former XXKem Site
OHD 980 586 804**

Dear Mr. Mazur:

On June 21, 2007, the City of Toledo submitted to Ohio EPA a closure plan for the XXKem site located at 4015 Stickney Avenue, Toledo, Ohio. A revision to the closure plan was received on December 21, 2007. The closure plan was submitted pursuant to rule 3745-66-12 of the Ohio Administrative Code (OAC) in order to demonstrate that the City of Toledo's proposal for closure complies with the requirements of OAC rules 3745-66-11 and 3745-66-12.

The owner and the public were given the opportunity to submit written comments regarding the closure plan in accordance with the hazardous waste rule requirements. No public comments were received by Ohio EPA.

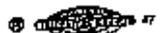
Based upon review of the City of Toledo's submittal and subsequent revision, I conclude that the closure plan for the hazardous waste facility at 4015 Stickney Avenue, Toledo, Ohio, as modified herein, meets the performance standard contained in OAC rule 3745-66-11, and complies with the pertinent parts of OAC rule 3745-66-12.

The closure plan submitted to Ohio EPA on June 21, 2007 and revised on December 21, 2007 by the City of Toledo is hereby approved with the following modifications:

1. When constructing the final cover over the portion of the XXKem site addressed in this closure plan, the City of Toledo must not disrupt the functioning of any component of the Stickney Landfill cap drainage system, including any discharge pipes located within, or close to the construction zone.
2. As presented on drawings 6 and 6A of the closure plan, the final cover design does not include a "filter" layer between the bottom of the "18 inch protective cover/vegetative" layer and the top of the "12 inch drainage sand" layer. The purpose of a "filter" layer is to prevent the drainage layer from clogging by top-layer soil fines. While necessary when using drainage geonets, it is also recommended for granular drainage layers. To ensure full

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

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functionality of the proposed sand drainage layer, the City of Toledo must modify the original design in a manner that minimizes introduction of soil particles into the sand during the placement of overlaying "18 inch protective cover/vegetative" layer. To accomplish this goal, the City of Toledo shall install a geotextile layer between the sand and the soil cover material, excluding the areas of the cap paved with concrete. This design change must be documented in the certification of closure and in as-built plan drawings.

3. The City of Toledo must determine the full horizontal and vertical rate, extent and concentrations of hazardous waste constituents, including "hot spots" of contamination in both soil and ground water matrices using sampling methods proposed in the revised closure plan. The determination of rate and extent is defined as ground water analytical results above method detection limits (MDLs) for non-naturally occurring constituents of concern (COCs), and above MDLs or site-specific background for naturally occurring COCs in both the vertical and horizontal direction. As such, the City of Toledo may be required to conduct offsite investigations (additional downgradient monitoring well installations) to completely characterize the rate and extent of any ground water contaminant plumes and may necessitate the installation of greater than 3 wells as proposed in Section 3.3, page 4, of Appendix D of the closure plan. For additional information, the City of Toledo is referred to Section 3.12, Sub-section titled "Objectives of Ground Water Sampling," pages 3-20 through 3-22 of the Division of Hazardous Waste Management's May 2006 Closure Plan Review Guidance (CPRG).
4. Section 10.0 of the revised closure plan, titled "Financial Assurance," and there-in referenced as Appendix A-5 (January 9, 2007 "Letter from Chief Financial Officer"), are excluded from this closure plan approval action.

Compliance with the approved closure plan, including the modifications specified herein, is expected. Ohio EPA will monitor such compliance. Ohio EPA expressly reserves the right to take action, pursuant to chapters 3734. and 6111. of the Ohio Revised Code, and other applicable law, to enforce such compliance and to seek appropriate remedies in the event of noncompliance with the provisions and modifications of this Approved Closure Plan. Please be advised that approval of this closure plan does not release the City of Toledo from any responsibilities regarding corrective action for all releases of hazardous waste or constituents from any waste management unit, regardless of the time at which waste was placed in the unit.

You are hereby notified that this action of the Director is final and may be appealed to the Environmental Review Appeals Commission pursuant to Section 3745.04 of the Ohio Revised Code. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. The appeal must be filed with the Commission within thirty (30) days after notice of the Director's action. The appeal must be accompanied by a filing fee of \$70.00 which the Commission, in its discretion, may reduce if by affidavit you demonstrate that payment of the full amount of the fee would cause extreme hardship. Notice of the filing of the appeal shall be filed with the Director within three (3) days of filing with the Commission. Ohio EPA requests that a copy of the appeal be served upon the Ohio Attorney General's Office, Environmental Enforcement Section. An appeal may be filed with the Environmental Review Appeals Commission at the following address:

Environmental Review Appeals Commission
309 South Fourth Street, Room 222
Columbus, OH 43215

When closure is completed, OAC rule 3745-66-15 requires the owner or operator of a facility to submit to the Director of Ohio EPA, certification by the owner or operator and an independent, registered professional engineer, that the facility has been closed in accordance with the approved closure plan. The certification by the owner or operator shall include the statement found in OAC rule 3745-50-42(D). This certification should be submitted to:

Ohio Environmental Protection Agency
Division of Hazardous Waste Management
Attention: Dave Sholtis, Assistant Chief
Regulatory and Information Services Section
P.O. Box 1049
Columbus, Ohio 43216-1049

Ohio EPA's Division of Hazardous Waste Management strongly encourages you to consider pollution prevention options for any processes at your facility that generate waste. While implementation of pollution prevention options is not required by Ohio laws and regulations, the application of waste minimization practices may help reduce the expense of remedial activities. Additionally, implementation of pollution prevention options may prevent the creation of new units and as a result eliminate the requirement to submit a closure plan in the future. For assistance in identifying and implementing pollution prevention options, contact Dawn Pleiman at (419) 373-3148.

Sincerely,



Chris Korleski
Director

cc: Dave Sholtis, Assistant Chief, DHWM, CO
Ed Lim, Manager, ERAS, DHWM, CO
Dale Meyer, EPA, Region V
Michael Gifford, EPA, Region V
Dawn Pleiman, DHWM, NWDO
Katie Crowell, DDAGW, CO
Timothy Christman, DERR, CO