



**Environmental  
Protection Agency**

John R. Kasich, **Governor**  
Mary Taylor, **Lt. Governor**  
Scott J. Marty, **Director**

OHIO E.P.A.

SEP - 7 2012

ENTERED DIRECTOR'S JOURNAL

September 7, 2012

Mr. Brad Gentile  
I-X Center Corporation  
6200 Riverside Drive  
Cleveland Ohio 44135

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: Donna Cissler Date: 9/7/12

Dear Mr. Gentile:

On July 18, 2012, the Ohio Environmental Protection Agency (Ohio EPA) Northeast District Office (NEDO) received a request, dated July 11, 2012, pursuant to Ohio Administrative Code (OAC) Rule 3745-27-13, to conduct activities on the closed Brook Park-Kolthoff Road Landfill (Facility) owned by the city of Cleveland. The request was prepared by Euthenics, Inc. on behalf of I-X Corporation, lessee of the City of Cleveland property, and revisions to the request were received on July 30, 2012.

OAC Rule 3745-27-13 requires authorization from the Director of Ohio EPA (Director) before engaging in filling, grading, excavating, building, drilling, or mining on land where a solid waste facility was operated. Specifically, I-X Corporation is requesting to install a new 60 inch diameter outfall storm sewer between the I-X Center Main Building and Abram Creek. The proposed sewer is to be constructed through the Facility property.

Based upon a review of the request and subsequent revisions, I have determined, pursuant to OAC Rule 3745-27-13, that the proposed activities, if conducted in accordance with the request and the following conditions, will not result in violation of applicable laws and regulations, will not create a nuisance, and are unlikely to adversely affect the public safety or health or the environment. Therefore, I-X Center Corporation is hereby authorized to perform the activities outlined in this letter in accordance with the submitted and approved plans, specifications, and information.

As part of this authorization, I-X Center Corporation is subject to the following conditions:

1. This approval grants I-X Center Corporation, and/or their appointed representative, authorization to perform activities at the Facility in accordance with the request titled "*Rule 13 Authorization Application, Installation of a New 60 Inch Diameter Storm Sewer at the Brook Park Landfill Site*" dated July 11, 2012, and received July 18, 2012, and subsequent revision received July 30, 2012. All activities shall be conducted in strict accordance with the plans, specifications, and other information submitted as part of this request. There may be no deviation from the

approved plans without prior written authorization from Ohio EPA. Any future activities at the Facility may require additional Ohio EPA approval.

2. I-X Center Corporation, and/or their appointed representative, shall allow access to the Facility to the Director or a representative authorized by the Director at any time to make inspections, conduct tests, or examine records and reports pertaining to the authorized activities.
3. Not later than seven (7) days prior to the start of the activities associated with this authorization, I-X Center Corporation shall submit written notification, which specifies the anticipated date of commencement, to Ohio EPA, Division of Materials and Waste Management (DMWM), NEDO and the Cuyahoga County Board of Health.
4. All on-site activities shall be accomplished in compliance with all applicable state and federal laws and regulations pertaining to environmental protection, including but not limited to the control of air pollution, leachate, surface water runoff and runoff, and protection of ground water.
5. All on-site activities shall be performed in a manner that prevents migration of leachate, explosive gas, or toxic gas from the Facility.
6. All activities undertaken shall not create a nuisance and shall not adversely affect public safety or health or the environment.
7. All solid and/or hazardous waste removed during construction activities shall be containerized and securely stored until these materials are properly characterized and disposed in accordance with Ohio Revised Code (ORC) Chapter 3734 and the regulations promulgated thereunder.
8. All liquids, semi-solids, industrial wastes, and other wastes regulated by ORC Chapter 6111 that are removed during intrusive activities shall be containerized and securely stored until these materials are properly characterized and disposed in accordance with ORC Chapter 6111 and the regulations promulgated thereunder.
9. Prior to any removal of waste or contaminated soil from the Facility, I-X Center Corporation and/or their appointed representative shall submit copies of sample analysis results, the treatment or disposal method selected, and a letter of acceptance from the treatment or disposal facility to Ohio EPA, DMWM, NEDO, pursuant to OAC Rule 3745-27-13(H)(4).

10. Not later than sixty (60) days after completing the activities authorized by this approval, I-X Center Corporation shall submit to Ohio EPA, DMWM, NEDO, a certification report in accordance with OAC Rule 3745-27-13(H)(10).
11. I-X Center Corporation shall take measures to control fugitive dust and other air emissions that may result from activities authorized by this approval.
12. For the purposes of erosion control, I-X Center Corporation shall use best management practices and standards as specified in the National Resources Conservation manual titled *Rainwater and Land Development* prepared by the Ohio Department of Natural Resources, Division of Soil & Water Conservation.
13. Any portions of the landfill where the cap is removed by the activities authorized by this approval shall have a final cap, a minimum of 24 inches thick, re-established in accordance with the following specifications:
  - a. Material Specifications: The following material specifications shall apply to the material intended for use in cap construction. A representative sample of the material shall be evaluated at a frequency of not less than once for every 3,000 cubic yards.
    - i. 100% of the material particles shall pass a ten-inch screen, with no more than two particles from a 50-cubic-foot sample retained on a six-inch screen.
    - ii. At least 95% of the material, by weight, shall pass a three-inch screen.
    - iii. At least 70% of the material, by weight, shall pass the number 10 sieve.
    - iv. The material that passes the Number 10 sieve (sand, silt, and clay fractions) shall be classified using the USDA textural classification chart as loam, sandy loam, silty loam, clay loam, silty clay, or sandy clay, or an acceptable alternative soil type with written concurrence from Ohio EPA.
  - b. Construction Specifications:
    - i. The material shall be compacted to at least 95% of the maximum Standard Proctor Density (ASTM D-698) or 90% of the maximum Modified Proctor Density (ASTM D-1557).
    - ii. The material shall be compacted using loose lifts no greater than twelve inches thick prior to compaction.

- iii. The final soil cover shall be stabilized in accordance with best management practices and standards until a dense vegetative cover has been established.
- c. Testing specifications:
  - i. The suitability of the soils shall be determined prior to their intended use in cap construction. The following tests shall be performed on representative soil samples at least once for every 3,000 cubic yards of material intended for use:
    - a. Sieve and hydrometer testing (ASTM C-422) for particle size gradation.
    - b. Moisture/density relationship using either Standard Proctor (ASTM D-698) or Modified Proctor (ASTMD-1557) method.

Prior to testing, the samples shall be screened to remove any particles larger than three inches. Written results of this testing shall be submitted to Ohio EPA, NEDO, not later than seven days prior to its intended use in cap construction.

- ii. During construction of the cap, compaction shall be monitored to ensure that the proper specifications are met. This can be accomplished by a number of methods, including nuclear densimeter (ASTM D-2922), sand cone (ASTM D-1556), and rubber balloon (ASTM D-2167). The nuclear densimeter test, if used, shall be performed at least five times per acre per lift. The sand cone or rubber balloon methods shall be performed at least three times per acre per lift. The sampling rate for other methods shall be determined on an individual basis with concurrence from Ohio EPA.
- iii. Upon completion of construction, the permeability of the cap shall be determined through either field permeability testing (ASTM D-6391: Boutwell two-stage permeameter, ASTM D-5093: SDRI) or through laboratory testing of cap samples brought to the lab for analysis (ASTM D-5084: Shelby tubes, soil blocks). The permeability requirements for each type of permeability determination are as follows:
  - a. For field permeability tests (ASTM D-6391, ASTM D-5093), the required permeability of the cap is  $1 \times 10^{-5}$  cm/sec.

- b. For laboratory permeability tests (ASTM D-5084: Shelby tubes, soil blocks), the required permeability of the cap is  $1 \times 10^{-6}$  cm/sec.
  - iv. Any penetrations into the cap layer resulting from either density testing or permeability testing shall be repaired using bentonite or an acceptable bentonite/soil mixture.
- 14. If excavation occurs outside the limits of waste placement at the Facility, I-X Center Corporation shall not use materials consisting of solid or hazardous waste to backfill the excavated areas.
- 15. In accordance with OAC Rule 3745-27-13(M), this authorization shall terminate three (3) years after its effective date if I-X Center Corporation has not begun the activities authorized herein.
- 16. In accordance with OAC Rule 3745-27-13(K), the Director may revoke this authorization if I-X Center Corporation violates, or is likely to violate, any applicable law or if continued implementation of the authorized plans may cause a threat to human health or safety or the environment.

#### **END OF CONDITIONS**

Nothing in this letter shall be construed to authorize any waiver from any requirements of applicable federal or state laws or regulations except as specified herein. This authorization shall not be interpreted to release I-X Center Corporation or others from responsibility under ORC Chapters 3704, 3714, 3734 or 6111; under the Federal Clean Water Act, the Resource Conservation and Recovery Act, the Toxic Substances Control Act, or the Comprehensive Environmental Response, Compensation, and Liability Act; or from other applicable requirement for remedying conditions resulting from any release of contaminants to the environment.

You are hereby notified that this action of the Director is final and may be appealed to the Environmental Review Appeals Commission pursuant to ORC Section 3745.04. 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, made payable to "Treasurer, State of Ohio." The Commission, in its discretion, may reduce the fee if by affidavit it is demonstrated 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

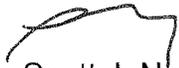
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I-X Center Corporation  
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Office, Environmental Enforcement Section. An appeal may be filed with the Environmental Review Appeals Commission at the following address:

Environmental Review Appeals Commission  
77 South High Street, 17th Floor  
Columbus, Ohio 43215

If you have any questions regarding this authorization, please contact Judy Bowman of Ohio EPA, NEDO, at (330) 963-1238, or [judy.bowman@epa.state.oh.us](mailto:judy.bowman@epa.state.oh.us).

Sincerely,



Scott J. Nally  
Director, Ohio EPA

SJN/JB/cl  
Attachment

ec: Jennifer Carlin, DMWM, NEDO  
Nancy Zikmanis, DERR, NEDO

cc: Scott Hester, DMWM, CO, w/attachment  
Cuyahoga County Board of Health, w/attachment  
Lynn Sowers, DMWM, NEDO