



John R. Kasich, Governor
Mary Taylor, Lt. Governor
Craig W. Butler, Director

OHIO E.P.A.

MAR 31 2014

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.

ENTERED DIRECTOR'S JOURNAL

By: [Signature]

Date: 3-31-14

RE: Goodyear Seiberling St. Landfill & Riverwalk
Director's Authorization
Approval
Industrial Solid Waste Landfills
Summit County
ISWL019355

CERTIFIED

March 31, 2014

Michael J Teodecki, P.E.
Akron Engineering Bureau
166 South High Street, Room 701
Akron, OH 44308

**Subject: Goodyear Seiberling St. Landfill & Riverwalk, Summit County
OAC Rule 3745-27-13 Authorization**

Dear Mr. Teodecki,

On December 5, 2013, the Ohio Environmental Protection Agency (Ohio EPA) received a document titled *City of Akron, OEPA Rule 13 Authorization Request, Seiberling Way Phase I (Request)*. On February 4, 2014, Ohio EPA received a revision of the Request in response to a notice of deficiency dated January 29, 2014. The application was submitted pursuant to OAC Rule 3745-27-13 by URS Corporation (URS) on behalf of the City of Akron (the City).

OAC Rule 3745-27-13 (Rule 13) requires authorization from the Director of Ohio EPA (Director) before engaging in grading, excavation, filling, building, drilling, or mining on land where a solid waste facility was operated. The Request proposes to conduct investigative activities on and adjacent to the Seiberling Street Landfill (Facility) located between Seiberling Street and Massillon Road in Akron, Ohio. The Facility operated as an industrial solid waste landfill from the early 1900s until 1989, when the Facility was officially closed under the Ohio Solid Waste Regulations of 1976. Historic disposal of waste at the Facility included fly ash, rubber and plastic products, resins, organics, and other materials. The delineated boundaries of the Facility represent the approximate extent of historic waste disposal.

The City is requesting permission to conduct activities including investigative soil borings and test pit excavations, restoration of borings and test pits, and installation and subsequent abandonment of monitoring wells/piezometers. The purpose of these

activities is to assist the City in evaluating the location of waste present, if any, and characterizing the geotechnical properties of the soils and waste. The City proposes a maximum of 10 soil borings and 28 test pit locations within the landfill boundary.

Based upon a review of the Request and all 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 create a nuisance and are unlikely to adversely affect the public safety or health or the environment. Therefore, the City is hereby authorized to perform the activities outlined in this letter in accordance with the submitted and approved plans, specifications, and information submitted as part of the Request.

As part of this authorization, the City is subject to the following conditions:

CONDITIONS

1. This approval grants authorization to perform activities at the Facility in accordance with the Request, as received on December 5, 2013 and revised on February 4, 2014. 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 Request without prior written authorization from Ohio EPA. Any future activities at the Facility may require additional Ohio EPA approval.
2. Not later than seventy-two (72) hours prior to the start of the activities associated with this authorization, the City shall submit written notification, which specifies the anticipated date of commencement, to Ohio EPA, Division of Materials and Waste Management (DMWM), Northeast District Office (NEDO) and Summit County Public Health.
3. 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 run-on and run-off, and protection of ground water.
4. All on-site activities shall be performed in a manner that prevents migration of leachate, explosive gas, or toxic gas from the Facility.
5. All activities undertaken shall not create a nuisance and shall not adversely affect public safety or health or the environment.
6. Any solid and/or hazardous waste to be removed from the Facility 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.

7. Any 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.
8. Prior to any removal of waste or contaminated soil from the Facility, the City 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).
9. Not later than sixty (60) days after completing the activities authorized by this approval, the City shall submit to Ohio EPA, DMWM, NEDO a certification report in accordance with OAC Rule 3745-27-13(H)(10).
10. The City shall take measures to control fugitive dust and other air emissions that may result from activities authorized by this approval.
11. For the purposes of erosion control during construction activities at the Facility, the City 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.
12. Provided that seasonal conditions allow, seeding of the Facility shall take place within 30-days of final grading. A vegetative cover that is adequate in controlling erosion shall be established within 2 years of seeding.
13. The City shall ensure that excavated waste is relocated within the previously existing horizontal and vertical limits of waste placement or is containerized and securely stored until the materials are properly characterized and disposed in accordance with Conditions 6, 7, and 8.
14. If excavation occurs outside the Facility, the City shall use only clean soil to backfill the excavated areas and may not use any type of waste, including but not limited to construction and demolition debris, solid or hazardous waste, or contaminated soils, to backfill the excavated areas.
15. The City shall apply a minimum six-inch layer of soil cover or other alternative daily cover material acceptable to Ohio EPA to all exposed waste or contaminated soils by the end of the working day to control fire hazards, blowing litter, odors, insects, vectors, and rodents.

16. Construction activities conducted pursuant to this authorization shall not commence until all applicable authorizations and permits have been secured from Ohio EPA's Divisions of Drinking and Ground Water (DDAGW) and Division of Surface Water (DSW), pursuant to ORC Chapter 6111. Not later than forty-eight (48) hours prior to commencement of any activities requiring authorization pursuant to ORC Chapter 6111, the City shall provide written evidence to Ohio EPA, DMWM, NEDO and Summit County Public Health specifying that such authorizations have been secured.
17. In accordance with OAC Rule 3745-27-13(M), this authorization shall terminate three (3) years after its effective date if the City has not begun the activities authorized herein.
18. In accordance with OAC Rule 3745-27-13(K), the Director may revoke this authorization if the City violates, or is likely to violate, any applicable law or if continued implementation of the authorized activities may cause a threat to human health or safety or the environment.

END OF CONDITIONS

Nothing in this letter shall be constructed to authorize any waiver from the requirements of any applicable federal or state laws or regulations except as specified herein. This authorization shall not be interpreted to release the City 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 requirements 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 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 St., 17th Floor
Columbus, Ohio 43215

Michael J Teodecki, P.E.
Akron Engineering Bureau
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If you have any questions concerning this authorization, please contact Karen Naples of Ohio EPA, DMWM, NEDO at (330) 963-1244.

Sincerely,

A handwritten signature in black ink, appearing to read 'CWB', with a stylized flourish extending to the right.

Craig W. Butler
Director

cc: Scott Hester, DMWM-CO (w/ Enclosure)
Lynn Sowers, DMWM-NEDO (w/ Enclosure)
Julie Brown, Summit County Public Health (w/ Enclosure)
Michael J. Stepic, URS Corporation

ec: Dave Dysle, DMWM-NEDO
Nancy Zikmanis, DERR-NEDO
Scott Moegling, DDAGW-NEDO
Marty Cooper, Ohio EPA Legal