



State of Ohio Environmental Protection Agency

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APR 4 2002

OHIO E.P.A.
APR - 4 2002
ENTERED DIRECTOR'S JOURNAL

Fred R. Guerra, Planning Director
City of Barberton Planning Department
576 West Park Ave.
Barberton, Ohio 44203

**RE: Weintraub Landfill (northwest section), Summit County
Ohio Administrative Code (OAC) Rule 3745-27-13 Authorization**

Dear Mr. Guerra:

By letter dated April 6, 2001, Brownfield Solutions LTD, under subcontract with SRW Environmental Services, Inc. and on behalf of the City of Barberton (City), submitted a request to the Ohio Environmental Protection Agency (Ohio EPA). The letter requested authorization, pursuant to OAC Rule 3745-27-13, to conduct probing and install test borings in the northwest section of the closed Weintraub Landfill located in Summit County. Revisions to the document were received by Ohio EPA on September 28, 2001 and December 28, 2001.

The results will be used to determine if the North Commercial/Industrial Area can be developed for commercial and residential purposes under the Ohio Voluntary Action Program (VAP). The request was submitted pursuant to Ohio Administrative Code (OAC) Rule 3745-27-13 which requires authorization from the Director of Ohio EPA before engaging in filling, grading, excavating, building, drilling or mining on land where a solid waste facility was operated.

Based upon a review of the April 6, 2001 request and its revisions, I have determined that the proposed site exploration will not result in a violation of applicable laws or regulations, will not create a nuisance, and is 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 submitted plans, specifications, and information.

This approval is subject to the following conditions:

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

Zana K. Clements 4-4-02
Date

Bob Taft, Governor
Maureen O'Connor, Lieutenant Governor
Christopher Jones, Director

CONDITIONS

1. 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.
2. All activities undertaken shall not create a nuisance and shall not adversely affect public safety or health or the environment.
3. Excavated waste may be reused as fill within the historical limits of waste placement in the northwest section of the Weintraub Landfill.
4. All solid waste to be removed from the facility shall be containerized and securely stored until the materials are properly characterized and disposed in accordance with Chapter 3734 of the Ohio Revised Code (ORC) and the regulations promulgated thereunder.
5. All liquids, semi-solids, industrial wastes, and other wastes regulated by ORC Chapter 6111 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 regulations promulgated thereunder.
6. Prior to any removal of waste or contaminated soil from the property, the City shall submit a copy of a letter of acceptance from a disposal facility to Ohio EPA, Northeast District Office (NEDO), Division of Solid and Infectious Waste Management (DSIWM) in accordance with OAC Rule 3745-27-13(C)(10).
7. Borehole abandonment shall be performed in accordance with abandonment procedures in the State of Ohio Technical Guidance for Sealing Unused Wells, dated 1996, issued by the State Coordinating Committee on Ground Water.
8. When boring through waste, the City shall immediately cease boring when native material is encountered. All soil borings shall be backfilled with 100% bentonite from their termination depth to at least one foot above the bottom of waste.
9. Within 60 days of the completion of the site investigation activities, the City shall submit to Ohio EPA, NEDO, DSIWM the information resulting from the activities completed as a part of this authorization.
10. Ohio EPA, NEDO, DSIWM and the Barberton Health Department shall receive written notice not later than 72 hours prior to the commencement of intrusive site investigation activities,

11. This approval only grants authorization to conduct intrusive site investigation activities at the northwest section of Weintraub Landfill in accordance with the submittal titled Application for Authorization to Install Soil Borings into an Area that Formerly Received Commercial and Industrial Waste, Barberton, Summit County, Ohio, SRW Order No. BARB-004.06, dated December 20, 2001. Any future activities on the facility may require additional Ohio EPA approval.
12. The City shall take measures to minimize the possible increase in subsurface infiltration due to disturbance of the closed landfill.
13. Any area of the landfill where the final cover is removed or relocated waste is placed shall be capped with final cover in accordance with OAC Rule 3745-27-10, as effective July 29, 1976.
14. Pursuant to OAC Rule 3745-27-13(H), this authorization shall terminate 18 months after its effective date unless:
 - a. The City begins the activities outlined in this authorization; or
 - b. The City has entered in to a binding contractual obligation to undertake and complete the activities outlined in this authorization within 24 months of its effective date.
15. This authorization does not imply approval of the plans described in Condition No. 11, for compliance with Ohio EPA's Voluntary Action Program.
16. Nothing in this letter shall be construed to authorize any waiver from any requirements of applicable state solid waste laws or regulations. This authorization shall not be interpreted to release the City 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 from the facility to the environment.

You are hereby notified that this action of the Director of Environmental Protection is final and may be appealed to the Environmental Review Appeals Commission pursuant to Ohio Revised Code 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. Notice of the filing of the appeal shall be filed with the director within three (3) days after the appeal is filed with the Commission.

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OAC Rule 3745-27-13 Authorization
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An appeal may be filed with the Commission at the following address:

Environmental Review Appeals Commission
236 East Town Street, Room 300
Columbus, Ohio 43215

Sincerely,

CI 
Jones

Director

CJ/cl

cc: Lynn Sowers, DSIWM, NEDO
Scott Hester, DSIWM, CO
Joseph Harrison, Barberton Health Dept.
Mike Meusel, Barberton Health Dept.
File: [COUN/Weintraub LF/AUT/77]