



State of Ohio Environmental Protection Agency

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September 1, 2009

Mr. Edgar Irelan, Manager - Landfill Operations
City of Toledo Division of Solid Waste
3962 Hoffman Road
Toledo, Ohio 43611

**Re: Hoffman Road Landfill, Lucas County
Ohio Administrative Code (OAC) Rule 3745-27-19(E)(8)(i) Authorization**

Dear Mr. Irelan:

On March 17, 2009, the Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM), Northwest District Office (NWDO) received a request submitted by The Mannik & Smith Group, Inc., on behalf of the City of Toledo. The document requests authorization, pursuant to OAC Rule 3745-27-19(E)(8)(i), to accept for disposal semi-solid material containing free liquids at the Hoffman Road Landfill (Facility) located in Lucas County.

Ohio Administrative Code Rule 3745-27-19(E)(8)(i) states:

The owner or operator [of a sanitary landfill] shall not accept for disposal semi-solid material containing free liquids, as determined by results obtained from conducting method 9095 (1996) (paint filter liquids test) in SW-846 third edition: 'Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods,' on the semi-solid material, unless the owner or operator has obtained prior written authorization from Ohio EPA to dispose of that semi-solid material in the facility.

Specifically, the City of Toledo proposes to accept for disposal sediment dredged from the Ottawa River that is not subject to regulation under the Toxic Substances Control Act (TSCA). A sediment containment pad will be constructed within the limits of solid waste placement at the Facility. The sediment will be pumped into geosynthetic tubes located within the sediment containment pad and dewatered. The elutriate will initially be treated in a temporary water treatment plant before being discharged back to the Ottawa River. Once the amount of elutriate decreases, it will be directed into the Facility's leachate management system.

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

Based upon a review of the request, I have determined that the Facility is an appropriate location to contain the sediment and that the activities that are proposed in the request will not have any negative impact on the Facility, the environment, or human health. Therefore, pursuant to OAC Rule 3745-19(E)(8)(i), I hereby authorize the City of Toledo to accept for disposal the non-TSCA-regulated Ottawa River sediment at the Facility in accordance with the submitted and approved plans, specifications, and information.

As part of this authorization, the City of Toledo shall comply with the following conditions:

CONDITIONS

1. All activities at the Facility shall be conducted in strict accordance with the plans, specifications, and information submitted as part of the request titled Authorization Request for the Ottawa River Sediment Containment Area at the Hoffman Road Landfill, received by Ohio EPA on March 17, 2009. There may be no deviation from the approved plans without written authorization from Ohio EPA.
2. The City of Toledo shall continue to comply with permits to install (permits), except in instances where the approved plans, specifications, and information associated with this request conflict with the requirements in the permits. In these instances, the City of Toledo shall comply with the approved plans, specification, and information associated with this request.
3. At any time the temporary water treatment plant is not operating and the elutriate in the sediment containment area rises to a level that causes elutriate to pass through the emergency spillway into the external elutriate storage area, the dredging operations shall cease until the water treatment plant is operational again.
4. Once the temporary water treatment plant has been permanently shut down, all water, including surface water and elutriate, within the sediment containment area footprint that has been in contact with the sediment or the sediment containment bags shall be directed to the Facility's leachate collection system, unless an alternative is approved in writing by Ohio EPA.
5. Prior to initiating construction of the sediment containment area, a quality assurance/quality control (QA/QC) plan shall be developed by the City of Toledo and approved by Ohio EPA, NWDO. The QA/QC plan shall include manufacturer and construction specifications for the components of the sediment

containment area, including but not necessarily limited to, the sub-base, structural fill, geomembrane, geocomposite, and pipes. The QA/QC plan shall also generally describe the engineered components that will be surveyed during construction and how this as-built information will be documented once construction is completed. The QA/QC plan does not need to satisfy the requirements in OAC Rule 3745-27-08, except as described in Condition 6, below.

6. During and after construction of the sediment containment area, the as-built information required to be collected through the QA/QC plan shall be compiled and submitted to Ohio EPA, NWDO in the form of a construction certification report submitted in accordance with paragraphs (H)(1) to (H)(4), (H)(7), and (H)(9) of OAC Rule 3745-27-08. As-built survey information shall be included in this certification report.
7. Nothing in this letter shall be construed to authorize disposal of sediment that is subject to regulation under TSCA at the Facility.
8. Nothing in this letter shall be construed to authorize any waiver from the requirements of any applicable federal or state laws or regulations. This authorization shall not be interpreted to release the City of Toledo or others from responsibility under Ohio Revised Code (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.

END OF CONDITIONS

You are hereby notified that this action of the Director of Ohio EPA (Director) is final and may be appealed to the Environmental Review Appeals Commission (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 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 Commission at the following address:

City of Toledo
Hoffman Road Landfill
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Environmental Review Appeals Commission
309 South Fourth Street
Room 222
Columbus, Ohio 43215

If you have any questions concerning this letter, please contact Ed Merriman of Ohio EPA, NWDO at (419) 373-3033.

Sincerely,

Chris Korleski
Director

cc: Ed Merriman, DSIWM, NWDO
Archie Lunsey, DERR, NWDO
Jodi Vaughan, Toledo-Lucas County Health Department
James Moseley, The Mannik & Smith Group, Inc.
Robert Rule, de maximus, inc.
David Steele, Conestoga-Rovers & Associates, Inc.