



State of Ohio Environmental Protection Agency

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Mr. Gerald Holland, Director of Public Service  
City of Akron, Department of Public Service  
166 South High Street, Room 201  
Akron, Ohio 44308-1657

**RE: Cuyahoga Street Landfill, Summit County  
Ohio Administrative Code (OAC) Rule 3745-27-13 Authorization**

Dear Mr. Holland:

On March 1, 2004, the Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM), Northeast District Office (NEDO) received a request titled Rule 13 Authorization Application, City of Akron Rack 40 & 31 Site Construction Activities: Phase 1, Cuyahoga Street, Akron, Ohio, dated February 2004, from URS Corporation (URS) on behalf of the City of Akron (Akron). Akron requested authorization, pursuant to OAC Rule 3745-27-13, to perform construction activities at the closed Cuyahoga Street Landfill (Facility) located at 550 Cuyahoga Street, City of Akron, Summit County. Ohio EPA, NEDO received amended requests on August 26, 2004, September 28, 2004, October 20, 2004, and October 21, 2004.

OAC Rule 3745-27-13 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.

Specifically, Akron is requesting authorization to perform the following activities: excavation and waste relocation associated with the construction of a proposed sanitary sewage retention tank and associated chemical feed system and sewer relocation; installation of temporary sewers during construction to maintain existing sewers; construction of a chemical storage and control building, including installation of underground utilities to service the system; construction of temporary access roads; and installation of potable/non-potable water, gas, and electrical services. The initial phase of the project includes relocation of waste and the creation of soil stockpiles and establishment of cover over disturbed areas. Engineering controls include storm water control, permeability barriers for underground utilities, and restoration of disturbed areas constructed in accordance with OAC Rule 3745-27-09(F), as effective July 29, 1976.

Based upon a review of the request and subsequent revisions, Ohio EPA has determined,

Bob Taft, Governor  
Jennette Bradley, Lieutenant Governor  
Christopher Jones, Director

pursuant to OAC Rule 3745-27-13, that the proposed activities, if conducted in accordance with the following conditions, will not result in violation of applicable laws or regulations, will not create a nuisance, and are unlikely to adversely affect the public safety or health or the environment. Therefore, Akron 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, Akron is subject to the following conditions:

### **CONDITIONS**

1. This approval grants Akron authorization to perform activities at the Facility in accordance with the document titled Rule 13 Authorization Application, City of Akron Rack 40 & 31 Site Construction Activities: Phase 1, Cuyahoga Street, Akron, Ohio, dated February 2004, received March 1, 2004, and subsequent revisions received August 26, 2004; September 28, 2004; October 20, 2004; and October 21, 2004. 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. Not later than thirty (30) days prior to construction of any landfill engineered components associated with this project, as those components are identified in OAC Rule 3745-27-08(B), Akron shall submit to Ohio EPA, NEDO a construction quality assurance and quality control (CQA/QC) plan prepared in accordance with OAC Rule 3745-27-08(H). Akron shall not commence with construction of any landfill engineered components associated with this project until Ohio EPA has approved the CQA/QC plan.
3. Not later than thirty (30) days prior to any excavation associated with installation of the Combined Sewer Overflow main storage structure or the influent and/or effluent piping, Akron shall submit to Ohio EPA, NEDO detailed calculations, stamped and signed by a professional engineer, registered in the State of Ohio, showing that the shoring and/or bracing and overall slope stability of the excavations during construction will meet a minimum factor of safety of 1.5. Akron shall not commence with any excavation associated with the main storage structure or the influent and/or effluent piping until Ohio EPA has provided written concurrence.
4. Not later than seven (7) days prior to the start of activities associated with this authorization, Akron shall submit written notification, which specifies the anticipated

date of commencement, to Ohio EPA, NEDO and the City of Akron Health Department.

5. 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.
6. All on-site activities shall be performed in a manner that prevents migration of leachate, explosive gas, or toxic gas from the Facility.
7. All activities undertaken shall not create a nuisance and shall not adversely affect the public safety or health or the environment.
8. Any portions of the landfill where the cap is removed by activities authorized by this approval shall have the final cap re-established in accordance with the following specifications:
  - A. Material Specifications:
    1. 100% of the material particles shall pass a 10" screen, with no more than two (2) particles from a 50 cubic foot sample retained on a 6" screen;
    2. At least 95% of the material, by weight, shall pass a 3" screen;
    3. At least 70% of the material, by weight, shall pass the #10 sieve;
    4. The material that passes the #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.
  - B. Construction Specifications:
    1. 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).
    2. The material shall be compacted using loose lifts, no greater than eight (8) inches thick prior to compaction.

C. Testing Specifications:

1. 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 D-422) for particle size gradation; and
  - b. Moisture/density relationship using either Standard Proctor (ASTM D-698) or Modified Proctor (ASTM D-1557) method.

Prior to testing, the samples shall be screened to remove any particles larger than three (3) inches. Written results of this testing shall be submitted to Ohio EPA, NEDO not later than seven (7) days prior to its intended use in cap construction.

2. 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 (5) 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 must be determined on an individual basis with concurrence from Ohio EPA.
3. 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.

4. Any penetrations into the cap layer resulting from either compaction or permeability testing shall be repaired using bentonite or a bentonite/soil mixture.
9. All solid 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.
10. 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 regulations promulgated thereunder.
11. Prior to any removal of waste or contaminated soil from the property, Akron 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, NEDO pursuant to OAC Rule 3745-27-13(H)(4).
12. For the purposes of erosion control during all phases of construction and investigation at the landfill, Akron shall use best management practices standards as specified in the Ohio Department of Natural Resources manual titled Rainwater and Land Development. Not later than seven (7) days prior to the pre-construction meeting between Akron and the Summit County Soil and Water Conservation District, Akron shall provide written notification to Ohio EPA's Division of Surface Water (DSW) and DSIWM-NEDO of the anticipated date of the meeting.
13. No excavation of waste shall occur unless the excavated waste is replaced within previously existing horizontal limits of waste placement or is treated or disposed of at a licensed, permitted treatment or disposal facility, in accordance with ORC Chapter 3734 and the regulations promulgated thereunder. In no event shall waste be placed at any elevation lower than previously existing waste elevations at that location.
14. If excavation occurs outside the limits of waste placement at the Facility, Akron shall not use material consisting of solid or hazardous waste to backfill the excavated areas.
15. Not later than sixty (60) days after completing the activities authorized through this approval, Akron shall submit to Ohio EPA a certification report in accordance with OAC Rule 3745-27-13(H)(10).

16. In accordance with OAC Rule 3745-27-13(M), this authorization shall terminate three (3) years after its effective date if Akron has not begun the activities authorized herein.
17. The director may revoke this authorization if Akron violates, or is likely to violate, any applicable law or if the continued implementation of the approved plans causes a threat to human health or safety or the environment.
18. Akron shall not commence any activities below the ordinary high water mark of the Little Cuyahoga River until all necessary authorizations and permits have been secured from Ohio EPA, DSW and the U.S. Army Corps of Engineers (USACE), Buffalo District pursuant to ORC Section 6111.021 and/or Sections 401 and 404 of the Federal Clean Water Act. Not later than forty-eight (48) hours prior to commencement of any activities requiring DSW and/or USACE authorizations, Akron shall provide written evidence to DSIWM-NEDO, DSW-NEDO, and the Akron City Health Department specifying that such authorizations have been secured.
19. Akron shall not commence construction of any water lines and/or connections to the public water system until all necessary authorizations and permits have been secured from Ohio EPA's Division of Drinking and Ground Water (DDAGW). Not later than forty-eight (48) hours prior to commencement of any activities requiring DDAGW authorizations, Akron shall provide written evidence to DSIWM-NEDO, DDAGW-NEDO, and the Akron City Health Department specifying that such authorizations have been secured.
20. Akron shall not commence construction of any sanitary sewers, sewage treatment structures, and/or connections to the sanitary sewer system until all necessary authorizations and permits have been secured from Ohio EPA, DSW. Not later than forty-eight (48) hours prior to commencement of any activities requiring DSW authorizations, Akron shall provide written evidence to DSIWM-NEDO, DSW-NEDO, and the Akron City Health Department specifying that such authorizations have been secured.

#### **OAC Rule 3745-27-03(B) Exemption**

As part of the activities approved by this authorization, Akron will be excavating and removing wastes from the existing limits of waste placement of the Facility and placing them in other existing areas of the Facility. All waste movement will occur within the current horizontal limits of waste placement and, in no event, will waste be placed at elevations lower than the existing vertical limits of waste placement. As a result of this activity, the final vertical limits of waste

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placement and final grades will be above the currently existing limits of waste placement in certain areas.

OAC Rule 3745-27-13(H)(6) states, in part, that no excavation of waste can occur unless the excavated waste is replaced within previously existing horizontal and vertical limits of waste placement or is treated or disposed of at a licensed, permitted treatment or disposal facility, in accordance with ORC Chapter 3734 and the regulations promulgated thereunder.

OAC Rule 3745-27-03(B) states, in part, that the director may exempt any person generating, collecting, storing, treating, disposing of, or transporting solid wastes, including scrap tires, from any requirement of ORC Chapter 3734 or any rules adopted thereunder if granting the exemption is unlikely to adversely affect the public health or safety or the environment.

Based upon a review of the information supplied in the February 2004 request and subsequent revisions, I have determined that placing waste in areas of the Facility above the previously existing vertical limits of waste placement is unlikely to adversely affect the public health or safety or the environment. Therefore, pursuant to OAC Rule 3745-27-03(B), I hereby exempt Akron from the requirement of OAC 3745-27-13(H)(6) for the specific activities approved by this authorization.

Nothing in this letter shall be construed to authorize any waiver from any requirements of applicable state solid waste laws or regulations except as specified herein. This letter shall not be interpreted to release Akron or others from responsibility under ORC Chapters 3704, 3714, 3734, or 6111; under the Federal Clean Water Act, the Resource Conservation and Recovery 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 of Ohio EPA 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. It must be filed with the Commission within thirty (30) days after notice of the Director's action. A copy of the appeal must be served on the Director within three (3) days after filing with the Commission. An appeal may be filed with the Commission at the following address:

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

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If you have any questions regarding this authorization, please contact either John Schmidt or David Dysle of Ohio EPA, NEDO at (330) 963-1175 or (330) 963-1286, respectively.

Sincerely,

Christopher Jones  
Director

cc: Lynn Sowers, DSIWM-NEDO  
Scott Hester, DSIWM-CO  
Sandy Capotto, DSW-NEDO  
Scott Moegling, DDAGW-NEDO  
Wen-Tong Lin, Pejmaan Fallah, DEFA  
Laura Fay, DSW-CO, 401/404 Planning Group  
James Peabody, U.S. Army Corp. of Engineers, Buffalo District  
Gayle Snyder, Summit County Soil and Water Conservation District  
Aixa Bakuhn, Akron City Health Department  
Julie Brown, Akron City Health Department  
Brad Beckert, City of Akron Department of Public Service  
Michael Stepic, URS Consultants