



State of Ohio Environmental Protection Agency

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Michael B. Key, Director of Environmental Affairs
Loves Travel Stops & Country Stores
10601 N. Pennsylvania Ave
Oklahoma City, OK 73120

**RE: Former Maliner/Hubbard Township Dump, Hubbard, Trumbull County
Ohio Administrative Code (OAC) Rule 3745-27-13 Authorization
Ohio Administrative Code (OAC) Rule 3745-27-03(B) Exemption**

Dear Mr. Key:

On November 21, 2006, the Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM), Northeast District Office (NEDO) received a request dated November 17, 2006, titled Permit Application, Ohio Administrative Code (OAC) Rule 3745-27-13 Authorization, Former Maliner/Hubbard Township Dump, 2576 North Main Street, Hubbard, Ohio, November 12, 2006, from Interdyne Corporation (Interdyne) on behalf of Loves Truck Stops & Country Stores (Loves). Loves requested authorization, pursuant to OAC Rule 3745-27-13, to perform construction activities at the closed Former Maliner/Hubbard Township Dump (Site) located at 2576 North Main Street, Hubbard, Trumbull County. Ohio EPA, NEDO received amended requests on May 4, 2007; May 23, 2007; and June 12, 2007.

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, Loves requested authorization for excavation and waste relocation associated with construction of a proposed truck fueling facility and retail country store, including installation of underground utilities; construction of temporary access roads; and installation of potable/non-potable water, gas and electrical service. The initial phase of the project includes relocation of waste, the creation of soil stockpiles, and establishment of cover over disturbed areas. The proposed engineering controls include storm water control and construction of a new final cover system comprised of a two-foot-thick recompacted clay layer and vegetative cover.

Based upon a review of the November 17, 2006 request and subsequent revisions dated May 4, 2007; May 23, 2007; and June 12, 2007, I have determined, pursuant to OAC Rule 3745-27-13, that the proposed activities will not result in a 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, Loves is hereby authorized to perform the proposed activities outlined in this letter in accordance with the submitted and approved plans, specifications, and information.

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

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

CONDITIONS

1. This approval grants Loves authorization to perform activities at the Site in accordance with the November 17, 2006, request titled Permit Application, Ohio Administrative Code (OAC) Rule 3745-27-13 Authorization, Former Maliner/Hubbard Township Dump, 2576 North Main Street, Hubbard, Ohio, November 12, 2006, received November 21, 2006, and subsequent revisions received May 4, 2007; May 23, 2007; and June 12, 2007. 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 Site may require additional Ohio EPA approval.
2. Not later than seven (7) days prior to the start of activities associated with this authorization, Loves shall submit written notification, which specifies the anticipated date of work commencement, to Ohio EPA, NEDO and the Trumbull County Health Department.
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 Site.
5. All activities undertaken shall not create a nuisance and shall not adversely affect the public safety or health or the environment.
6. Any portions of the landfill where the existing soil cap is removed by activities authorized by this approval shall have a final cover system re-established in accordance with the following specifications:
 - a. Material specifications:
 - i. 100% of the material particles shall pass a 10 inch screen, with no more than two particles from a 50 cubic foot sample retained on a six inch screen;
 - ii. 95% of the material particles shall pass a three inch screen;
 - iii. 70% of the material particles 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.
- b. Construction Specifications:
- i. Compaction criteria:
 - a. The materials 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).
 - b. The material shall be compacted using loose lifts, no greater than eight inches thick prior to compaction.
 - ii. The recompacted clay layer shall have a permeability determined by field permeability methods of no greater than 1×10^{-5} cm/sec or a permeability determined by laboratory permeability methods of no greater than 1×10^{-6} cm/sec as determined using the testing methods specified in Condition 6.c.iii.
- c. Testing Specifications:
- i. The suitability of the soils shall be determined prior to their intended use in recompacted clay layer 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 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 recompacted clay layer, 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.

- iii. Upon completion of construction, the permeability of the recompacted clay layer shall be determined through either field permeability testing (ASTM D-6391: Boutwell two-stage permeameter, ASTM D-5093: SDRI) or through laboratory testing of recompacted clay layer 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 recompacted clay layer is 1×10^{-5} cm/sec.
 - b. For laboratory permeability tests (ASTM D-5084: Shelby tubes, soil blocks), the required permeability of the recompacted clay layer is 1×10^{-6} cm/sec.
 - iv. Any penetrations into the recompacted clay layer resulting from either compaction or permeability testing shall be repaired using bentonite or a bentonite/soil mixture.
7. All solid waste to be removed from the Site 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/or securely stored until these materials are properly characterized and disposed in accordance with ORC Chapter 6111 and regulations promulgated thereunder.
9. Prior to any removal of waste or contaminated soil from the property, Loves 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).
10. For the purposes of erosion control during all phases of construction and Investigation of the landfill, Loves shall use best management practices and standards as specified by the Ohio Department of Natural Resources, Division of Soil and Water Conservation manual titled Rainwater and Land Development.
11. 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 existing waste elevations at any given location.

12. If excavation occurs outside the limits of waste placement at the Site, Loves shall not use material consisting of solid or hazardous waste to backfill the excavated areas.
13. Not later than sixty (60) days after completing the activities authorized through this approval, Loves shall submit to Ohio EPA a certification report in accordance with OAC Rule 3745-27-13(H)(10). Loves shall not open the retail facility until Ohio EPA provides written concurrence on the certification report.
14. In accordance with OAC Rule 3745-27-13(M), this authorization shall terminate three (3) years after its effective date if Loves has not begun the activities authorized herein.
15. The director may revoke this authorization if Loves 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.
16. Commencement of any activities shall not occur until all necessary authorizations and permits have been obtained from Ohio EPA's Division of Surface Water (DSW) and the U.S. Army Corps of Engineers (USACE). DSIWM-NEDO, DSW-NEDO, and the Trumbull County Health Department shall be notified in writing at least 48 hours prior to commencement of any activities requiring necessary DSW and USACE authorizations that such authorizations have been obtained.
17. Construction of any sanitary sewer, sewage treatment structure, or connection to the sanitary sewer system shall not commence until all necessary authorizations and permits have been obtained from Ohio EPA's DSW. DSIWM-NEDO, DSW-NEDO, and the Trumbull County Health Department shall be notified in writing at least 48 hours prior to any activities requiring necessary DSW authorizations that such authorizations have been obtained.

OAC Rule 3745-27-03(B) Exemption

Loves has requested an exemption from OAC Rule 3745-27-13(H)(6), which requires, in part, that no excavation of waste can occur unless that 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.

As part of the activities approved through this authorization, Loves will be excavating and removing wastes from the limits of waste placement of the Site and reconsolidating relocated waste within the current horizontal limits of waste placement. Waste will not be placed at elevations lower than existing vertical limits of waste placement at the current Site. As a result of this activity, the final vertical limits of waste placement and final grades will be above the existing limits of waste placement in certain areas. The final cap grades will be at a maximum of 4 to 1 slopes, as demonstrated in the slope stability analysis.

Pursuant to ORC Section 3734.02(G) and OAC Rule 3745-27-03(B), the Director may, by order, exempt any person generating, collecting, storing, treating, disposing of, or transporting solid wastes,

or processing solid wastes that consist of scrap tires, in such quantities or under such circumstances that, in the determination of the director, are unlikely to adversely affect public health or safety or the environment, from any requirement to obtain a registration certificate or license or comply with other requirements of ORC Chapter 3734.

Ohio EPA has reviewed the November 17, 2006, request, as revised, and associated information and has determined that granting an exemption in order to place waste in areas of the Site above previously existing vertical limits of waste placement is unlikely to adversely affect the public health or safety or the environment. Therefore, pursuant to ORC Section 3734.02(G) and OAC Rule 3745-27-03(B), Loves is hereby exempted from OAC 3745-27-13(H)(6), which requires, in part, that 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, provided Loves complies with the requirements of OAC Rule 3745-27-13 authorization request and this authorization.

Other than the specific exemption to OAC 3745-27-13(H)(6), nothing in this letter shall be construed to authorize any waiver from any requirements of applicable state solid waste laws or regulations. This letter shall not be interpreted to release Loves 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 is final and may be appealed to the Environmental Review Appeals Commission (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 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 Environmental Review Appeals Commission at the following address:

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

If you have any questions regarding this authorization, please contact John Hujar of Ohio EPA, NEDO at (330) 963-1122.

Sincerely,

Michael B. Key, Director of Environmental Affairs
Loves Travel Stops & Country Stores
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Chris Korleski
Director

Ck/JH/KM/sw

cc: Murat Tukul, DSIWM-NEDO
Scott Hester, DSIWM-CO
Ed Wilk, DSW-NEDO
Frank Migliozi, Trumbull County Health Department
Clinton Rolland, Interdyne Corporation