



State of Ohio Environmental Protection Agency

STREET ADDRESS:

Lazarus Government Center  
50 W. Town St., Suite 700  
Columbus, Ohio 43215

TELE: (614) 644-3020 FAX: (614) 644-3184  
www.epa.state.oh.us

MAILING ADDRESS:

P.O. Box 1049  
Columbus, OH 43216-1049

January 28, 2008

Lisa King, Program Manager  
Metro Parks Serving Summit County  
975 Treaty Line Road  
Akron, OH 44313

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

Dear Ms. King:

On April 16, 2007, the Ohio Environmental Protection Agency (Ohio EPA) received a document titled Request for Rule 13 Authorization, Towpath Trail II, Akron Barberton Cluster Railway Co., April 2007 dated April 13, 2007. Additional information, dated August 3, 2006 and August 11, 2006, was received on June 29, 2007. A revision to the request dated July 7, 2007, was received on July 9, 2007. Additional information, dated December 13, 2006; December 26, 2007; and December 21, 2007, was received on March 30, 2007; December 27, 2007; and January 9, 2008. The document and revisions were submitted by GPD Associates, CT Consultants, Inc., and MV Technologies, Inc., on behalf of Metro Parks Serving Summit County (Metro Parks) pursuant to Ohio Administrative Code (OAC) Rule 3745-27-13, to engage in filling, grading, excavating, building, drilling, or mining activities at the closed Ohio Brass Landfill (Facility) located in Summit County.

Ohio Brass Landfill is a closed industrial solid waste disposal facility located west of Russell Avenue Landfill, east of the Tuscarawas River, and north of Pittsburgh Plate Glass (PPG) Lime Lake #3, in the city of Barberton. The Facility is owned by Akron Barberton Cluster Railway Company and was operated by Ohio Brass from approximately 1960 to 1970. The Facility ceased operations in approximately 1970. Metro Parks secured authorization from Akron Barberton Cluster Railway Company to construct the trail. Metro Parks requested authorization to perform construction activities at the Facility, pursuant to Ohio Administrative Code (OAC) Rule 3745-27-13.

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, Metro Parks requested authorization for landfill disturbance associated with construction of a hike and bike trail consisting of an elevated walkway constructed of earth, associated fencing and signage, construction of a railroad underpass, and bridge crossing over the Tuscarawas River. Limited waste disturbance is envisioned as a part of authorized activities. Engineering controls include storm water

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control and restoration of disturbed areas within the landfill footprint and re-establishment of any final cap removed as a result of activities.

Based upon a review of the document, I have determined that the proposed activities 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, pursuant to OAC Rule 3745-27-13, Metro Parks 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, Metro Parks is subject to the following conditions:

### **CONDITIONS**

1. This approval grants Metro Parks authorization to perform activities at the Facility in accordance with the document titled Request for Rule 13 Authorization, Towpath Trail II, Akron Barberton Cluster Railway Co., April 2007, received April 16, 2007, and subsequent revision dated July 7, 2007 and additional information received March 30, 2007; June 29, 2007; December 27, 2007; and January 9, 2008. 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 seven (7) days prior to the start of activities associated with this authorization, Metro Parks shall submit written notification, which specifies the anticipated date of commencement, to Ohio EPA, NEDO and the Barberton City 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 runoff and runoff, 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 the public safety or health or the environment.
6. Any portions of the landfill where the cap is removed by activities authorized by this approval shall have the 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) At least 95% of the material, by weight, shall pass a three inch screen;
  - (iii) At least 70% of the material, by weight, 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 with concurrence from Ohio EPA.
  
- b. Construction Specifications:
  - (i) 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).
  - (ii) The material shall be compacted using loose lifts, no greater than eight inches thick prior to compaction.
  - (iii) The cap shall have a permeability determined by field permeability methods of no greater than  $1 \times 10^{-5}$  cm/sec or a permeability determined by laboratory permeability methods of no greater than  $1 \times 10^{-6}$  cm/sec as determined by the acceptable testing methods outlined in Condition 6(c)(iii).
  
- c. Testing Specifications:
  - (i) 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 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 cap, compaction shall be monitored to ensure that the proper specifications are met. This can be accomplished by a number of methods, including nuclear densiometer (ASTM D-2922), sand cone (ASTM D-1556), and rubber balloon (ASTM D-2167). The nuclear densiometer 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 cap shall be determined through either field permeability testing (ASTM D-6391: Boutwell two-stage permeameter, ASTM D-5093: SDR1) 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.
  - (iv) Any penetrations into the cap 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 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.
  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 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, Metro Parks 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, Metro Parks 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 and Water Conservation.
11. If excavation occurs outside the limits of waste placement at the Facility, Metro Parks shall not use material consisting of solid or hazardous waste to backfill the excavated areas.
12. No excavation of waste shall occur unless the excavated waste is replaced within previously existing vertical and 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.
13. Not later than sixty (60) days after completing the activities authorized through this approval, Metro Parks shall submit to Ohio EPA a certification report in accordance with OAC Rule 3745-27-13(H)(10).
14. In accordance with OAC Rule 3745-27-13(M), this authorization shall terminate three years after its effective date if Metro Parks has not begun the activities authorized herein.
15. The Director may revoke this authorization if Metro Parks 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 below the ordinary high water mark of the Tuscarawas River shall not occur until all necessary authorizations and permits have been secured from Ohio EPA's Division of Surface Water (DSW) and the U.S. Army Corps of Engineers (USACE), Huntington District pursuant to Sections 401 and 404 of the Federal Clean Water Act. Ohio EPA NEDO, DSIWM and DSW, and the Barberton City Health Department shall be notified in writing, at least forty-eight (48) hours prior to commencement of any activities requiring necessary DSW and USACE authorizations, that such authorizations have been obtained.
17. 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 Metro Parks 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.

### **END OF CONDITIONS**

You are hereby notified that this action of the Director is final and may be appealed to the Environmental Review Appeals Commission pursuant to Section 3745.04 of the Ohio Revised Code. 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 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 Dave Dysle of Ohio EPA, NEDO at (330) 963-1286.

Sincerely,

Chris Korleski  
Director

cc: Lynn Sowers, DSIWM-NEDO  
Scott Hester, DSIWM-CO  
Kelvin Rogers, DSW-NEDO  
Dan Osterfeld, DSW-CO, 401/404 Planning Group  
Desiree Hann, U.S. Army Corp. of Engineers, Huntington District  
Gayle Snyder, Summit County Soil and Water Conservation District  
Mike Meusel, Barberton City Health Department  
Honorable Randy Hart, City of Barberton  
Nick Moskos, GPD Group  
Owen Karickhoff, CT Consultants

