



State of Ohio Environmental Protection Agency

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OHIO EPA

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NOV 23 2001  
Columbus, OH 43216-1049

INTEREL DIRECTOR'S JOURNAL

NOV 23 2001

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

I certify this to be a true and accurate copy of the  
original document submitted to me at the Ohio  
Environmental Protection Agency.

By Dmytryk 11/23/01

Re: **Weintraub Landfill (southwest 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 southwest section of the closed Weintraub Landfill located in Summit County. A complete revised document, dated September 25, 2001, was received by Ohio EPA on September 28, 2001,

The soil and ground water sampling results will be used to determine if the South Commercial/Industrial Area can be developed for commercial and residential purposes under the Ohio Voluntary Action Program.

Based upon a review of the aforementioned documents, I have determined 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, the City is hereby authorized to perform the activities outlined in this letter in accordance with submitted plans, specifications, and information. This authorization is subject to the following 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.

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

3. Excavated waste may be reused as fill within the historical limits of waste placement of the Weintraub Landfill.
4. All solid waste to be removed from the facilities 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.
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 the 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 located in the document titled *State of Ohio Technical Guidance for Sealing Unused Wells*, dated 1996 and 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 the 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 sample analyses 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 southwest section of Weintraub Landfill in accordance with the submittal titled *Application for Authorization for Install Soil Borings into an Area that Formerly Received Commercial and Industrial Waste, Barberton, Summit County, Ohio*, dated September 25, 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 portions of the landfill disturbed by activities authorized by this approval shall be capped with final cover constructed in accordance with OAC Rule 3745-27-1 0, as effective on July 29, 1976.
14. Pursuant to OAC Rule 3745-27-1 3(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 into 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 Number 11, above, 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; 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.

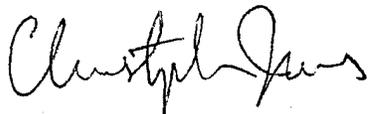
You are hereby notified that this action of the Director of Environmental Protection is final and may be appealed to the Environmental Review Appeals Commission pursuant to ORC Section 3745.04. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. The appeal must be filed with the commission within 30 days after notice of the director's action. Notice of the filing of the appeal shall be filed with the director within three days after the appeal is filed with the commission. 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

Weintraub Landfill (southwest section), Summit County  
OAC Rule 3745-27-13 Authorization  
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If you have any questions concerning this authorization, please contact Dave Dysle of Ohio EPA's Northeast District Office at (330) 963-1200.

Sincerely,

A handwritten signature in black ink, appearing to read "Christopher Jones". The signature is fluid and cursive, with the first name "Christopher" written in a larger, more prominent script than the last name "Jones".

Christopher Jones  
Director

cc: Lynn Sowers, DSIWM, NEDO  
Scott Hester, DSIWM, Central Office  
Joseph Harrison, Barber-ton Health Department  
Mike Meusel, Barberton Health Department  
File: [COUN/Weintraub