Ohio EPA
40 years and moving forward

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

November 5, 2012

RE: GOODYEAR RIVERWALK
SEIBERLING STREET LANDFILL
SEIBERLING WAY
NOTICE OF VIOLATION

Debra Harrell
IRG RC 10 LLC
P.O. Box 910
Hartville, Ohio 44632

CERTIFIED MAIL 7012 1010 0002 2260 2684

James Hewitt
Engineering Bureau Manager
Akron Engineering Bureau
166 South High Street, Room 701
Akron, Ohio 44308-1652

CERTIFIED MAIL 7012 1010 0002 2260 2691

Dear Ms. Harrell and Mr. Hewitt:

This letter provides a notice of violations and comments as identified during a recent inspection conducted by the Ohio Environmental Protection Agency (Ohio EPA). On October 30, 2012, Ohio EPA inspected the Seiberling Way road construction at Seiberling Street Landfill. The inspection included the roadway excavation through waste, waste mound, and storm water controls. The construction project has been authorized by Ohio EPA through a Director's Authorization and Exemption Order approved November 2011, pursuant to Ohio Administrative Code (OAC) 3745-27-13 (November 2011 Rule 13).

The Seiberling Street Landfill is located generally between Seiberling Street and Massillon Road, in the City of Akron, Summit County, Ohio. The landfill is a formerly licensed and closed 167 acre captive solid waste landfill. The landfill has two primary owners, Industrial Realty Group (IRG) and Goodyear Tire and Rubber Company, with the City of Akron owning the easement parcel to be utilized for the construction of the Seiberling Way east/west road.

The November 2011 Rule 13 authorization includes construction activities for the new roadway and related structures, including excavation and relocation of waste, installation of a BAT cap system, a passive gas control system, surface water controls, sewer improvements, an above waste utility corridor, abandonment of an existing water well and a portion of an existing storm sewer. Below are the violations identified during the October 30, 2012 inspection.

October 30, 2012 inspection

1. **Outside 2011 Rule 13 area-Sedimentation pond**: The sedimentation pond was constructed on the portion of the Seiberling Street Landfill property owned by IRG. The sedimentation pond is outside the November 2011 Rule 13 limits and outside the approximate waste disposal limits of the Seiberling Street Landfill but within 300 feet of the known limits of waste placement.

    a. The City has outstanding OAC Rule 3745-27-13 violations from the October 17, 2012 NOV letter relating to the waste found near the sedimentation pond. In addition, we have not received the sampling results of the waste pile near the sedimentation pond. Akron is reminded to comply with OAC 3745-27-13(H)(4).

    b. Based on Phil Rhodes' November 1, 2012 letter, exposed waste was observed at the top of the mound and on the northeast slope access road to the mound. Storm water was in contact with waste and flowing to the channels which ultimately flow to the sedimentation pond. Therefore, the collected liquid in the pond is leachate and the City is in violation of **ORC Chapter 6111**. To achieve compliance, please address Phil Rhodes' November 1, 2012 letter, properly dispose of the leachate at a licensed WWTP, and submit documentation of treatment/disposal to Ohio EPA-NEDO and Summit County Public Health.

2. **Within the November 2011 Rule 13 Area**:

    a. **Detention Area 1 (east side pond):** This area near Haley's Ditch contained tan liquid and has a constructed berm with a riprap channel. Detention Area 1 appeared to not be lined and discharges to a holding basin. The holding basin is not included in the storm water pollution prevention plan (SWP3). The east side of the holding basin has a steel sheet pile wall that was installed to keep the liquid from entering Haley's Ditch. However, a tan cloudy liquid from the holding basin was entering Haley's Ditch at the northeast end of the steel sheet pile wall.

    The City is in violation of **ORC Chapter 6111 and OAC 3745-27-13(H)(5)** for allowing sediment contaminated water to discharge from Detention Area 1 to Haley's Ditch, for not constructing Detention Area 1 and the holding basin in accordance with the SWP3. The City is also in violation of **condition 22 of the November 2011 Rule 13** for not complying with the SWP3. To comply with the November 2011 Rule 13, the City needs to correct the surface water structures so that they are constructed in compliance with the approved SWP3 and properly discharge storm water to waters of the state. Further, to

achieve compliance, the City must comply with all corrective actions detailed in the November 1, 2012 letter from Phil Rhodes, Ohio EPA, NEDO-DSW.

b. **Low spot northeast of Detention Pond 3 (west pond):** A low spot on the service road and below Detention Pond 3 is collecting liquid. The southwest section of the low spot contains a near vertical exposed wall of waste. The part of the waste wall extending above the liquid was about 10 feet. This low spot is not lined and is not described in the SWP3. The liquid contained in this low spot is considered leachate because the liquid is in contact with the exposed wall of waste. The SWP3 shows that collection points will be lined. Any storm water controls should be constructed in accordance with the SWP3. The City is in violation of **condition 22 of the November 2011 Rule 13 and OAC 3745-27-13(H)(5)** because the surface water controls were not constructed in compliance with the SWP3. Further, the City is in violation for not applying daily cover to the exposed waste, pursuant to **condition 23 of the November 2011 Rule 13**. To comply with the November 2011 Rule 13, the City must apply and maintain sufficient daily cover or other alternative daily cover acceptable to Ohio EPA to all exposed waste areas. The City must also properly line the collection point, pursuant to the approved SWP3. The City must also properly dispose of the water that comes in contact with waste as leachate in accordance with the November 2011 Rule 13 and ORC Chapter 6111.

c. **Waste Relocation Mound:** A berm was constructed on the top of the waste mound to contain leachate within the waste. A berm was also constructed around waste on the bottom of the mound near the service road. The northeast slope and top of the waste mound identified above was not covered with a minimum six-inch-thick layer of soil. During the inspection, it appeared that work activities had stopped for the day. Also, the weekly progress reports state that all work stopped Saturday night and Sunday during the day. Akron is in violation of **condition 23 of the November 2011 Rule 13** for not applying soil cover to all exposed waste by the end of the working day. To achieve compliance, the City must apply adequate daily cover or other alternative daily cover acceptable to Ohio EPA to all exposed waste areas at the end of each working day.

d. **West side conveyance pipe:** This is the pipe entrance for directing storm water to Detention Pond 3. The conveyance pipe joints were installed upside down, such that liquid is leaking from the joints. The flared ends of the pipe should be on the downstream end; instead, the flared pipe ends were installed on the upstream ends. The City is in violation of **OAC 3745-27-13(H)(5) and condition 22 of the November 2011 Rule 13** for not complying with the SWP3. To achieve compliance, the City must properly install the conveyance pipes to prevent leaking in accordance with the approved SWP3.

General violations of the November 2011 Rule 13 for Seiberling Way

1. Referring to Phil Rhodes' November 1, 2012 letter, the City is in violation of **ORC Chapter 6111**. As a result, the City is in violation of **conditions 4 and 6 of the November 2011 Rule 13 and OAC Rule 3745-27-13(H)(5)** for conducting activities at the Rule 13 Area without complying with all state and federal laws and regulations pertaining to environmental protection, specifically for the control of leachate and surface water run on and run off. To achieve compliance, the City must properly collect and dispose of leachate in accordance with conditions 4, 6, 9 and 10 of the November 2011 Rule 13, install storm water control structures as specified in the SWP3 and conditions 4 and 6, and correct all violations noted in the November 1 NOV letter from Phil Rhodes, DSW.

    a. To comply with condition 9 & 10 of the November 2011 Rule 13, the City must collect and securely store in containers all liquid wastes to be removed from the Rule 13 area until these materials are properly characterized and disposed in accordance with ORC Chapter 6111. The City must also submit to Ohio EPA NEDO copies of sample analysis results required by the receiving treatment/disposal facility, the treatment/disposal method, and a letter of acceptance from the facility.

2. Referring to Phil Rhodes' November 1, 2012 NOV letter, the storm water coming off the waste mound was in contact with exposed waste, and therefore, considered leachate. The storm water system contains leachate, so ultimately, the sedimentation pond contains leachate. The sedimentation pond is not within the Rule 13 area. The City is in violation of **conditions 4 and 6 of the November 2011 Rule 13**, for not performing all waste relocation and construction activities in a manner that does not cause the migration of leachate from the Rule 13 Area. To achieve compliance, all leachate must be handled in accordance with ORC Chapter 6111 and condition 9 & 10 of the November 2011 Rule 13. To further control the creation and migration of leachate off site, the City must apply adequate daily cover or other alternative daily cover acceptable to Ohio EPA to all exposed waste areas.

Comment

There were three unidentified manhole-like structures that were found during excavation of the roadway. It is unclear if these structures are storm sewers, dry wells, sanitary sewers, injection wells, etc. Please provide information on the unidentified structures, such as depth, type of sewer or well, possible tie-ins with other sewers. Please submit a proposed alteration to Exhibit 1 of the November 2011 Rule 13 authorization in accordance with Section VII of the authorization order. The proposed alteration shall include details as to how these three structures will be abandoned, including the following information: Excavated materials shall be replaced with low strength mortar grout or bentonite clay, any water collected from these structures should be considered leachate and should be properly

characterized and disposed of in accordance with ORC Chapter 6111. Attached is a section of a plan drawing showing sewers in the landfill area from 1982 that may be helpful. On the drawing "ST" stands for storm sewer.

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 the city of Akron, IRG RC 10 LLC, 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.

Please provide a written response within fourteen days of receipt of this letter. If you have any questions regarding this letter, please contact Dave at (330) 963-1286, or Allison at (330) 963-1132.

Sincerely,

Dave Dysle

Dave Dysle
Environmental Specialist
Division of Materials and
Waste Management

Allison M Giancola

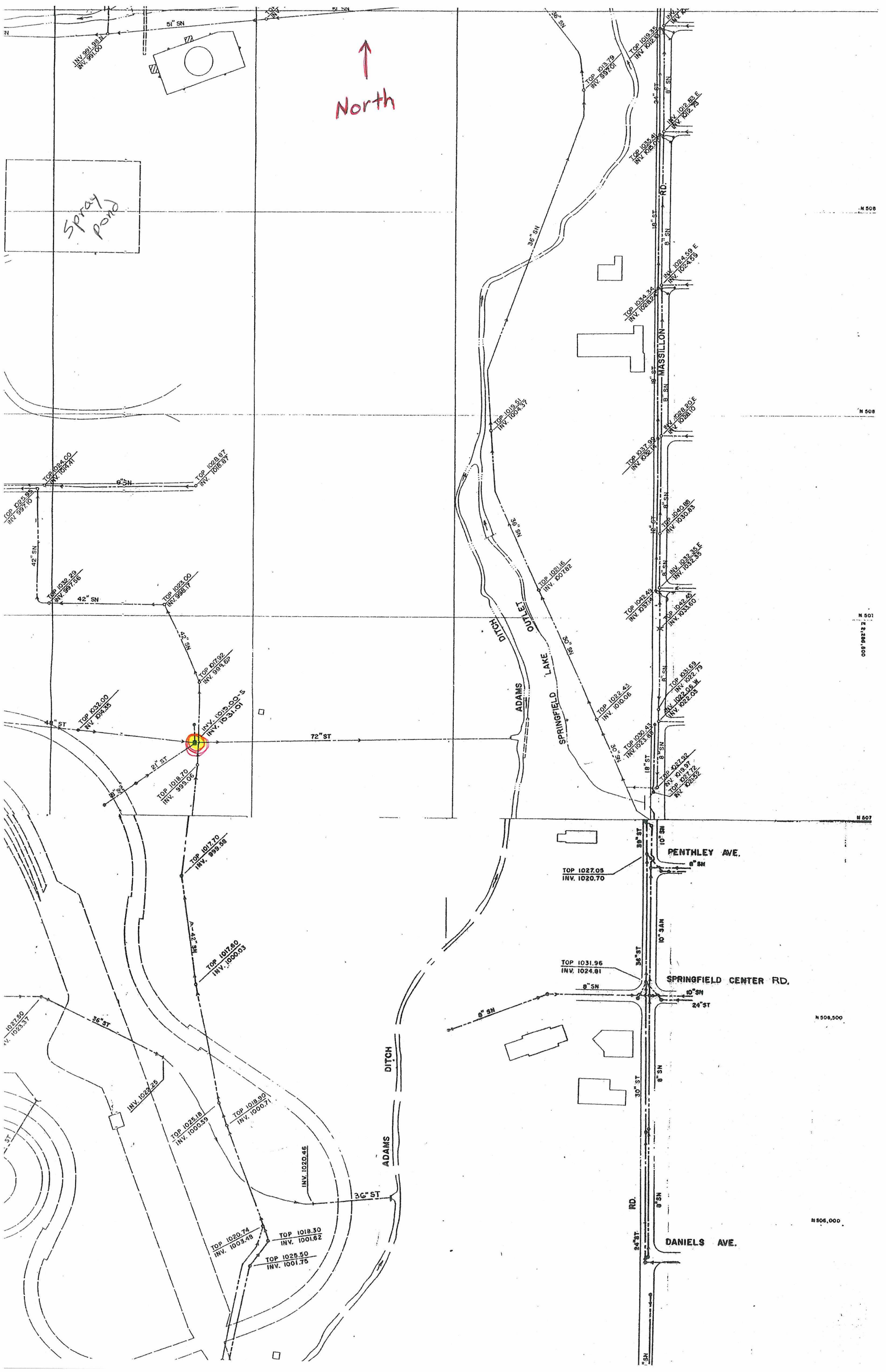
Allison Giancola, E.I.T., S.I.T.
Environmental Engineer
Division of Materials and
Waste Management

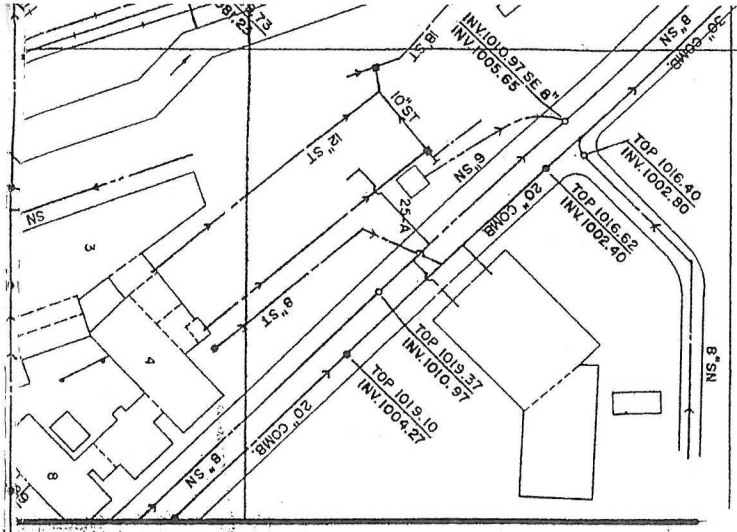
DD/cl

Attachment: Section of storm and sanitary sewer plan drawing dated 1982

ec: Marty Cooper, Legal, CO
Scott Hester, DMWM, CO
Kelly Jeter, DMWM, CO
Phil Rhodes, DSW, NEDO

cc: Julie Brown, Summit County Public Health
Mike Wytrzyszczewski, Engineering Project Coordinator, City of Akron
Fred Fassnacht, City of Akron
Shawn McGee, Hull & Associates, Inc.
Mike Stepic, URS Corporation
File: [Sowers/COUN/Goodyear Riverwalk/COR/77]


North
Spray pond
MASSILLON RD.
PENTHLEY AVE.
SPRINGFIELD CENTER RD.
DANIELS AVE.
ADAMS LAKE OUTLET DITCH
SPRINGFIELD DITCH
INV. 991.98 W
INV. 991.00
51" SN
TOP 1024.00
INV. 1014.41
TOP 1028.97
INV. 1018.87
9" SN
TOP 1025.95
INV. 997.10
42" SN
TOP 1032.29
INV. 997.96
TOP 1023.00
INV. 998.17
TOP 1017.92
INV. 999.62
TOP 1032.00
INV. 1014.35
INV. 1019.00-S
INV. 1015.01
72" ST
TOP 1018.70
INV. 999.06
TOP 1017.70
INV. 999.59
TOP 1017.60
INV. 1000.03
36" ST
INV. 1023.25
TOP 1025.18
INV. 1000.59
TOP 1018.90
INV. 1000.71
INV. 1020.46
TOP 1020.74
INV. 1003.48
TOP 1018.30
INV. 1001.62
TOP 1025.50
INV. 1001.75
TOP 1013.79
INV. 997.01
TOP 1019.35
INV. 1012.07
TOP 1035.41
INV. 1015.01
TOP 1021.16
INV. 1007.82
TOP 1022.43
INV. 1010.06
TOP 1034.34
INV. 1028.21
TOP 1019.51
INV. 1004.37
TOP 1037.99
INV. 1032.14
TOP 1040.88
INV. 1030.83
TOP 1042.49
INV. 1037.14
TOP 1042.46
INV. 1033.60
TOP 1031.59
INV. 1022.79
TOP 1030.43
INV. 1023.88
TOP 1027.32
INV. 1019.97
TOP 1027.72
INV. 1023.52
TOP 1027.05
INV. 1020.70
TOP 1031.96
INV. 1024.81
24" ST
N 508
N 507
N 506,500
N 506,000
E 2,296,500



NE 'A' ABOVE

REV. BY GPD ASSOC 8-2 1983	2
APV. BY 19	

ADDED RACK LOCATIONS ON COMBINED SEWERS.

RC

REV. BY G.P.D. & ASSOC. 2-25 1983	1
APV. BY 19	

REVISED SEWERS IN PLANT 2 CHEMICAL. ADDED DETENTION BASIN.

RC

THE GOODYEAR TIRE & RUBBER CO., AKRON, OHIO

TITLE STORM AND SANITARY SEWERS - OVERALL MASTER OF AKRON PLANTS

DEPT.	SCALE 1" = 200'	DRAWING NUMBER
DRAWN BY EMB - GPD	8-17-1982	160009 - 150
CH'KD. BY DJM - GPD	8-18-1982	
APP'VD BY Gardner	8-19 1982	