Ohio EPA
40 years and moving forward

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

December 28, 2012

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

CERTIFIED MAIL 7012 1010 0000 9467 7384

Debra Harrell
Ohio Realty Advisors
3623 Brecksville Road
Richfield, Ohio 44286

and

CERTIFIED MAIL 7012 1010 0000 9467 7391

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

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 December 11, 2012, Ohio EPA inspected the Seiberling Way road construction at Seiberling Street Landfill. An e-mail (attached) was sent on December 13, 2012 summarizing the inspection from December 11th. 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. Present were Allison Giancola and Dave Dysle, Ohio EPA. Below are the violations and comments identified during Ohio EPA's December 11, 2012 inspection. The photos provided below are only a small sampling of what has been taken by Ohio EPA to document the violations.

Violations - December 11, 2012 inspection:

a. **Northeast Slope near Haley's Ditch:** A small area of exposed waste was identified at the northeast slope; see photo 2. The City is in violation of condition 23 of the November 2011 Rule 13 authorization. To achieve compliance, the City must apply adequate daily cover to this area and any exposed waste at the site.

b. **Waste Relocation Mound:** The northeast corner of the waste mound (near the creek) had flagging of waste; see photos 5 & 6. The geocomposite has already been placed in this area and may need to be removed due to the exposed waste. The QA Engineer is required to inspect and approve of the subgrade before geocomposite is placed. In addition, the Construction Quality Assurance Quality Control Plan (CQA plan) states that the subgrade shall consist of a minimum of at least 12-inches of soil.

   The City may not be in compliance with condition 24 of the November 2011 Rule 13 authorization for not adequately installing intermediate cover. This issue was discussed at the December 12th construction meeting and during our conference call on December 21, 2012. To achieve compliance, the City must repair the subgrade, and then verify and document that at least 12-inches of intermediate cover soils has been applied over all waste areas before installing geocomposite. Table 1 of the CQA Plan indicates that a required test for the subgrade (final lift of intermediate cover) is of the elevation by survey. An adequate demonstration of compliance with this construction specification must be included in the certification report.

c. **West side existing storm sewer junction box:** There was ponded water south of the existing junction box. This is not in accordance with the approved SWP3 and is a violation of the OAC 3745-27-13(H)(5) and Condition 22 of the November 2011 Rule 13 authorization. See photo 7.

Comments

December 11, 2012 inspection

1. **Outside 2011 Rule 13 area-Roundabout**: The waste discovered on the west side of the landfill has been stored north of the sedimentation pond in the area for construction of the roundabout area.

   The City has submitted to NEDO-Ohio EPA the analytical report of the waste pile found when constructing the sedimentation pond. The report is currently being reviewed to determine if the composite sampling has been conducted properly and if the waste material is hazardous. As discussed during our call on December 21, 2012, before removal and disposal of the waste at an off-site facility, the City must receive concurrence from Ohio EPA for the analytical analysis and comply with OAC 3745-27-13(H)(4) regarding a letter of acceptance from the disposal facility. Ohio EPA acknowledges that the City of Akron is waiting to receive our concurrence and we will try to resolve this issue in the near future.

   As a general reminder, if the City encounters more waste in the work areas and outside the approximate Seiberling Street Landfill limits, the City must stop work immediately until the appropriate Rule13 authorization is submitted and approved.

2. **Sediment Pond:** The sediment pond contained water but did not appear to be very full. Considering how much rain has occurred lately, Ohio EPA expected the pond to be full. Ohio EPA has never seen the sediment pond full of water. It appears that the sediment pond is not containing the collected water. Somehow the collected water is either infiltrating into the ground or to a break in a nearby sewer pipe which then conveys the water either to Haley's Ditch or to a wastewater treatment plant. We recommend that you investigate the integrity of the pond's construction to determine why the pond is not holding water and if there is a leak, address the breach. Because the sediment pond is an essential part of the surface water control system, it must hold the water to allow sediments to settle to the bottom of the pond and not enter Haley's Ditch. Ohio EPA's Division of Surface Water has been issuing separate NOVs concerning ongoing violations with the SWP3 at the construction site.

December 11th, 12th & 18th inspections

1. In several areas where the road will be constructed, the geocomposite layer and the subgrade (12-inches of intermediate cover) appear to have not been installed properly; see photos 1, 3, 4 & 8.

   During the inspection, it was noted that soil mounds and/or tire ruts existed underneath the geocomposite on the west area of the road cut and near the storm sewer junction chamber. The subgrade in this area needs to be reworked, proof rolled, made smooth and free of ruts before the geocomposite is reinstalled. Regarding this requirement, Section 3 of the CQA plan states, in part, at page 3-2: "Visual examination and proof rolling of the subgrade shall be evaluated by Field E/T…to verify that the area is free of solid waste, and **have no abrupt change in grade**. The Field E/T shall document approved subgrade construction within daily reports prior to placement of cap system components." **Table 1 of the CQA Plan indicates that the subgrade is to have less than 2 inches of deflection.**

   There were unfinished seams, large wrinkles in the finished (seamed) geocomposite panels, tears were identified in the finished seams, and rocks were left on the surface of the geocomposite. Page 3-4 of the CQA Plan states, "At completion, the geocomposite layer shall be smooth, without wrinkles, tears, or holes, and shall cover the total surface of the landfill cover system." The QA Engineer must inspect and approve every panel before placement of the recompacted soil barrier (RSB) layer.

   The above was further discussed at the construction meeting on December 12th and during a site visit the same day with Hull & Associates to discuss the ongoing concerns with the geocomposite and subgrade. On December 13, 2012 Ohio EPA emailed a list of concerns (attached) including the above.

   On December 18, 2012, the Ohio EPA visited the site and noted that clay had been placed above geocomposite on the west end. Concerns from the December 11th inspection still remain regarding the subgrade and geocomposite. See photo 8. Ohio EPA contacted Sitetech and was told that clay placement will be continuing and GSI would not be back at the site to repair the geocomposite. Ohio EPA contacted Sitetech and the City of Akron by phone and email to inform them of the concerns from the December 18th site visit; email attached.

On December 19, 2012, Ohio EPA received an email with documentation of a portion of the subgrade and geocomposite repair on the west end. However, the details provided in this email did not sufficiently verify that the subgrade and geocomposite have been repaired adequately. In addition, this area has now been covered with clay soil.

Ohio EPA discussed the above concerns during a site visit and a conference call held on December 21, 2012. As noted above and during the inspections, the observed conditions of the subgrade and geocomposite do not comply with the CQA Plan and must be repaired or the certification report cannot be concurred with by Ohio EPA. All repairs to the subgrade and geocomposite are to be documented with enough detail and photographs to show a before and after result as required in condition 8 of the November 2011 Rule 13 authorization. We suggest that photographs and adequate location identification be utilized at the site to document the repairs required.

2. As a follow-up to our conversations on December 21, 2012, we will be available to do a walk-through of the subgrade and geocomposite before RSB placement begins. In addition, we are glad to hear that Hull & Associates will have an increased presence during this critical cap construction period and be available to accompany inspections. Ohio EPA recommends that Hull & Associates participate in the weekly construction meetings to discuss installation of the engineered components required by the Rule 13, to advise the City and their contractors of any special concerns or requirements associated with construction of the engineered components, and to also make Ohio EPA aware of any changes that may arise during construction that affect the components of the Rule 13 authorization.

3. Ohio EPA did not receive the following weekly reports on time as required by condition 13 of the November 2011 Rule 13 authorization; November 26-December 10. The reports were received on December 15, 2012. Included within those weekly reports, it was stated that the leachate collection pipes on the east and west side of the road were installed as well as two passive gas vents at the top of the waste relocation mound. Ohio EPA was not aware of these installations and had to request photos, details and other documentation on these installations. In the future, Ohio EPA requests that the undersigned be notified 48 hours prior to the installation of any engineered components within the Rule 13 area including passive gas vents, all cap system components, utility installations including the sewer work on the landfill and any significant surface water controls.

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 regarding the violations noted in this letter within fourteen days of receipt of this letter. Some comments that were not noted as a specific violation may not require a specific response at this time. 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, EIT, SIT
Environmental Engineer
Division of Materials and
Waste Management

att: (1) 8 Pictures
(2) December 13, 2012 e-mail
(3) December 19, 2012 email

ec: Marty Cooper, Legal, CO
Scott Hester, 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]

West area of road cut- geocomposite DD December 11, 2012 Photo 1

Waste exposed at northeast corner near Haley's Ditch DD December 11, 2012 Photo 2

Wrinkles in geocomposite north slope of waste mound AG December 11, 2012 Photo 3

Tears in geocomposite AG December 11, 2012 Photo 4

Waste relocation mound-northeast slope-exposed waste DD December 11, 2012 Photo 5

Waste relocation mound-northeast slope-subgrade DD December 11, 2012 Photo 6

Ponded water near junction box DD December 11, 2012 Photo 7

West area of road cut-unfinished seams & soil placement DD December 18, 2012 Photo 8

From:	Dysle, Dave
Sent:	Thursday, December 13, 2012 3:16 PM
To:	DHarrell@irgohio.com; JHewitt@akronohio.gov
Cc:	Giancola, Allison; Sowers, Lynn; Cooper, Marty; Julie Brown (jbrown@schd.org); Mike Stepic; Wytrzyszczewski, Mike; Raymond Kinney; Fassnacht, Fred; Jeter, Kelly; Rhodes, Phil
Subject:	FW: Goodyear Riverwalk 12-4-12 inspection
Attachments:	P1010064.jpg; P1010053.jpg; P1010054.jpg; P1010029.jpg; PC110367.jpg; PC110356.jpg

Greetings,

This email provides quick results of an inspection by Allison Giancola and Dave Dysle, Ohio EPA, at Goodyear Landfill-Riverwalk area on December 11, 2012. A letter will be sent later that will provide more detail. We walked along the road cut area to the creek and along the north and south slopes near the creek. Photos are attached to point out the following violations and concerns:

1. A small area of exposed waste at northeast slope, photo 029. This is a violation of Condition 23 of the Rule 13 authorization. Daily cover needs to be applied to this area.

2. Large area of exposed pieces of waste on the southeast slope of the waste mound near the creek, photos 054 and 053. Daily cover needs to be applied to this area. This is a violation of Condition 23 of the Rule 13 authorization. A panel of geocomposite was already placed in the corner at this area and may need removed due to the exposed waste and the need for intermediate cover that needs to be applied in that area. The QA Engineer must inspect this area before composite is placed and approved of the subgrade. In additional the Construction Quality Assurance Quality Control Plan (CQA plan) states that the subgrade shall consist of a minimum of 12-inches of soil.

3. Earth mounds and/or tire ruts under the geocomposite layer in the west area of the road cut, photo 064. The earth in this area needs to be smoothed out and then the geocomposite layer needs to be reinstalled. Regarding this, please consider Section 3 of the CQA plan that states, in part, at page 3-2: "Visual examination and proof rolling of the subgrade shall be evaluated by Field E/T...to verify that the area is free of solid waste, and have no abrupt change in grade. If excess pumping or rutting occurs during proof-rolling the area should be reworked. The Field E/T shall document approved subgrade construction within daily reports prior to placement of cap system components." To comply with the CQA plan, please reinstall the geocomposite later at the west end of the road cut area. The subgrade should be smooth before reinstallation and the geocomposite layer should lay flat.

4. In several areas where the road will be constructed, the geocomposite layer has not been installed properly. The geocomposite was not smooth, (as noted above) there were large wrinkles and rocks left on the surface of the geocomposite, see photo 367 & 356. Page 3-4 states, "At completion, the geocomposite layer shall be smooth, without wrinkles, tears, or holes, and shall cover the total surface of the landfill cover system." The CQA Engineer must inspect and approve every panel before placement of the RSB layer. Please regrade the subgrade to allow smooth placement of the geocomposite, repair all wrinkles and tears in the geocomposite, and remove rocks.

5. There was ponding south of the 72-inch standpipe. This is not in accordance with the approved SWP3 plan and is a violation OAC 3745-27-13(H)(5) and Condition 22 of the Rule 13 authorization. See photo 061. To comply, please pump out the water to the sediment pond.

6. Ohio EPA does not have a weekly report for the weeks of November 26 and December 3. This is a violation of Condition 13 of the Rule 13 authorization. To comply, please send to Ohio EPA and Summit County Public Health the weekly reports.

7. Ohio EPA needs additional information regarding the existing landfill sewer lines and wells at the landfill. Ohio EPA looked in the sewer standpipe located north east of the 72-inch standpipe. Water was flowing in a northwest direction at the bottom of the sewer. Please provide a sewer line diagram for the landfill area that includes this sewer line.

8. The sediment pond contained water but did appear to be very full. Considering how much rain has occurred lately, Ohio EPA expected the pond to be full. Ohio EPA has never seen the sediment pond full of water. It appears that the sediment pond is not containing the collected water. Somehow the collected water is either infiltrating into the ground or to a break in a nearby sewer pipe which then conveys the water either to Haley's Ditch or to a wastewater treatment plant. Please investigate to determine what is the "leak" in the sediment pond. The sediment pond should hold the water to allow sediments to settle to the bottom of the pond and not enter Haley's Ditch.

OEPA recommends that all repairs to the subgrade and geocomposite be documented and recorded in the daily logs which are required in condition 8 of the 2011 Rule 13 authorization. The daily logs should be submitted with the certification reports verifying the work completed. As noted above, during the inspection, the areas of subgrade and geocomposite cannot be certified by OEPA. If the repairs of the subgrade and geocomposite are not documented, the certification report cannot be concurred with by OEPA.

If you have any questions, please email or call Allison Giancola at (330) 963-1132 or Dave Dysle at (330) 963-1286.

Sincerely,
Allison Giancola and Dave Dysle
Ohio EPA, Division of Materials and Waste Management

From:	Giancola, Allison
Sent:	Wednesday, December 19, 2012 1:15 PM
To:	Ray Kinney (rayk@sitetechexcavating.com); Mike W (City) (mwytrz@akronohio.gov) (mwytrz@akronohio.gov)
Cc:	Dysle, Dave; Sowers, Lynn; Stepic, Michael (michael.stepic@urs.com); Shawn McGee (smcgee@hullinc.com); Fred Fassnacht (ffassnacht@akronohio.gov); 'jbrown@schd.org'
Subject:	Seiberling site visit 12-18
Attachments:	P1010027.JPG; P1010026.JPG; P1010033.JPG; P1010036.JPG; P1010043.JPG; P1010064.JPG; P1010066.JPG; P1010069.JPG

Attached are pictures from yesterday's site meeting. Ohio EPA is aware that geocomposite installation has been completed and RSB placement has begun on the west end of the roadway trench. Please be aware that the subgrade (12-inches of intermediate cover) and geocomposite placement have not be installed according to the November 2011 Rule 13 authorization CQA/QC Plan. It is very likely that Ohio EPA will not be able to concur with a certification report for the cap because of the subgrade and geocomposite installation not meeting the required specifications. During the site visit yesterday, Ohio EPA identified unfinished geocomposite seams that have not been heat bonded or sewn, as well as wrinkles and tears. The geocomposite layer is not smooth. Also, the subgrade appears to have not been proof-rolled before geocomposite placement. These are specification in Section 3 of the CQA/QC Plan that have not been followed.

Please contact me with any questions or concerns.

Allison Giancola, E.I.T.
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