



Environmental
Protection Agency

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

January 14, 2013

Debra Harrell
Industrial Realty Group
360 East Highland Road
Macedonia, Ohio 44056

And

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

**RE: GOODYEAR RIVERWALK, SEIBERLING STREET LANDFILL
SEIBERLING WAY
PARTIAL RETURN TO COMPLIANCE**

Dear Ms. Harrell and Mr. Hewitt:

The letters dated October 17, 2012, November 5, 2012 and November 13, 2012 from Ohio EPA, DMWM provided a notice of violations occurring at the Seiberling Street Landfill for the Seiberling Way road construction located generally between Seiberling Street and Massillon Road, in the City of Akron, Summit County, Ohio. The violations were originally communicated to the City by phone and/or e-mail following the inspections conducted on October 3, 4, 9 & 30, 2012, as well as November 7, 2012. Ohio EPA performed follow-up inspections of the road construction on Seiberling Street Landfill on the following days: October 16, 19 & 24; November 14 & 29; December 7, 11, 18, 21 & 28. The follow-up inspections were performed to determine compliance with the Director's Authorization and Exemption Order approved November 2011, pursuant to Ohio Administrative Code (OAC) 3745-27-13 (November 2011 Rule 13), and Ohio's solid waste laws and regulations. As a result of the inspection, Ohio EPA determined the City of Akron (City) abated the following violations:

| NOV letter Date | Citation | Requirement | Action taken |
|-----------------|--|---|--|
| Oct. 17 | OAC 3745-27-14(A)(2) | Prevent ponding on landfill | The City explained that the berm area was graded. Pondered water on the east side was not visible (noted on 10-9 inspection) |
| Oct. 17 | Condition 23 (November 2011 Rule 13 authorization) | Daily cover | Waste near southeast and northwest collection points and tire pile were incorporated into waste relocation area (noted on 10-9 inspection) |
| Oct. 17 | Condition 22 (November 2011 Rule 13 authorization)* | Obtain approval of the NPDES General Stormwater Construction Permit (SWPPP) | SWPPP has been approved (e-mail received 10/5/12 from the City); however construction activities began without having an approved SWPPP |
| Oct. 17 | Condition 22 (November 2011 Rule 13 authorization)* | Comply with the SWPPP | The northwest collection point was lined in accordance with the SWPPP (noted on 10-9 inspection) |
| Nov. 5 | Condition 22 (November 2011 Rule 13 authorization)* | Control of leachate and surface water run-on and run-off, to comply with all laws and regulations | Leachate was collected from the low area and stored on-site in frac tanks. (noted on 11-7 inspection) It's reported that leachate was discharged to the City's POTW and treated at the City of Akron wastewater treatment facility on Nov. 17 and 19. Documentation was received by NEDO on 11/25/12 and 1/3/13. |
| Nov. 5 | Condition 4 & 6, (November 2011 Rule 13 authorization) | Prevent migration of leachate from Rule 13 area | The City explained that no leachate was conveyed/discharged from the Rule 13 area or to the sedimentation pond. |

* Citation also includes, Condition 6 (November 2011 Rule 13 authorization), OAC 3745-27-13(H)(5), ORC Chapter 6111, which are relative to surface water management requirements

| | | | |
|------------------|---|-----------------------|--|
| Nov. 5 | Condition 23, (November 2011 Rule 13 authorization) | Daily cover | Exposed waste on the west side of the road cut was relocated to the waste mound (noted by SCHD 11-28 inspection) Geocomposite placement began over waste mound noted on 11/29 inspection |
| Nov. 5 & 13 | Condition 23, (November 2011 Rule 13 authorization) | Daily cover | Exposed waste on the northeast slope and the top of the waste mound was covered with soil. Geocomposite placement began over the waste mound (noted on 11-29 inspection) |
| Nov. 5 & Nov. 13 | Condition 22 (November 2011 Rule 13 authorization)* | Comply with the SWPPP | Low area, below detention area 3 was lined in accordance with the SWPPP (noted on 11-14 inspection). The City explains that the conveyance pipe was removed on 11/6/12 and reinstalled on 11/8/12 for the new detention area. The City also explains that during waste relocation activities the conveyance pipe was temporarily removed during dry weather and reinstalled as soon as activities commenced. |

During the inspection of December 28, 2012, Ohio EPA determined that the City of Akron remains in violation of the following:

| Citation | Requirement | Date first observed |
|---|---|---------------------|
| Condition 22 (November 2011 Rule 13 authorization)* | Comply with the SWPPP | October 3 & 4, 2012 |
| Condition 22 (November 2011 Rule 13 authorization)* | Prevent sediment contaminated water from entering waters of the state | October 30, 2012 |
| OAC 3745-27-13(H)(4) | Characterize and properly dispose of waste found north of the sediment pond | October 3 & 4, 2012 |

Debra Harrell, Industrial Realty Group
James Hewitt, Akron Engineering Bureau
Goodyear Riverwalk, Seiberling Street Landfill
January 14, 2013
Page 4

Nothing in this letter shall be construed to authorize any waiver from the requirements of any applicable state or federal laws or regulations. This letter shall not be interpreted to release the owner or operator, or others, from responsibility under Chapters 3704, 3714, 3734, or 6111 of the Ohio Revised Code or under the Federal Clean Water Act, Resource Conservation and Recovery Act, or Comprehensive Environmental Response, Compensation, and Liability Act for remedying conditions resulting from any release of contaminants to the environment.

If you have any questions regarding this letter, please contact Dave at (330) 963-1286, or by email at dave.dysle@epa.ohio.gov, and Allison at (330) 963-1132, or by email at allison.giancola@epa.ohio.gov.

Sincerely,



Dave Dysle
Environmental Specialist
Division of Materials and
Waste Management



Allison Giancola, EIT, SIT
Environmental Engineer
Division of Materials and
Waste Management

DD/AG

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

cc: Mike Wytryszczewski, Engineering Project Coordinator, City of Akron
Julie Brown, Summit County Health Department
Fred Fassnacht, City of Akron
Shawn McGee, Hull & Associates, Inc.
Mike Stepic, URS Corporation
File [Sowers/COUN/Goodyear Riverwalk/COR/77]
DMWM #4705