Ohio EPA
40 years and moving forward

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

April 29, 2013

RE: TOWPATH TRAIL, BARBERTON
SUMMIT COUNTY
OAC RULE 3745-27-13
OHIO BRASS LANDFILL &
RUSSELL AVENUE LANDFILL
NOTICE OF VIOLATION

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

Dear Ms. King:

This letter provides a notice of violation for the Towpath Trail project under two separate Ohio Administrative Code Rule 3745-27-13 (OAC Rule 13) authorizations for the Ohio Brass and Russell Avenue Landfills. The Ohio Environmental Protection Agency (Ohio EPA) approved the OAC Rule 13 authorization for the Ohio Brass Landfill on January 28, 2008, and for the Russell Avenue Landfill on June 25, 2007. Metro Parks, Serving Summit County (Metro Parks) is **in violation of Condition 13 of both the January 28, 2008, and the June 25, 2007 OAC Rule 13 authorizations**, which state, "*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).*"

Ohio EPA received an e-mail on December 14, 2011, from Paul Wilkerson, Chief of Planning & Development, Metro Parks, containing a draft certification report for the work under the OAC Rule 13 authorizations and another e-mail was received on June 29, 2012 stating that the project is now considered complete and the report would be submitted to Ohio EPA. On July 16, 2012, Metro Parks requested more time to submit the certification report, which Ohio EPA agreed to by e-mail stating that a report was expected by the end of the next month. Ohio EPA contacted Metro Parks January 2013 regarding the status of the certification report and also about some waste (porcelain insulators) spotted along the Towpath Trail. Metro Parks has been working with Ohio EPA during the months of January/February/March of 2013 to clean up the waste; however, a certification report has yet to be submitted.

Metro Parks is in violation of Condition 13 of both OAC Rule 13 authorizations for the Ohio Brass and Russell Avenue Landfills, as well as OAC Rule 3745-27-13 (H)(10). To return to compliance, Metro Parks must submit to Ohio EPA, Northeast District Office,

the certification report(s) for the work conducted under the above mentioned authorizations within fourteen days (14) days of receipt of this letter.

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 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.

If you have any questions regarding this letter, please contact me at 330-963-1132.

Sincerely,

Allison M. Giancola, RS, EIT
Environmental Specialist
Division of Materials and Waste Management

AMG/cl

ec: Dave Dysle, DMWM-NEDO
Scott Hester, DMWM-CO

cc: Julie Brown, Summit County Public Health
Paul Wilkerson, Metro Parks
Honorable Bill Judge, Mayor, City of Barberton
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File:[COUN/Russell AveLandfill/COR/77]