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

November 1, 2012

RE: SUM-SEIBERLING PHS 2
PERMIT NO: 3GC05686*AG
STORMWATER
SUMMIT COUNTY

CORRECTED LETTER

Mike Teodecki,
City of Akron Bureau of Engineering
166 S. High Street
Akron, Ohio 44308

Ray Kinney
Site Manager
Sitetech
35700 East Royalton Road
Grafton, Ohio 44044

Gentleman:

On October 29, 2012 this writer inspected the above referenced construction site for the purpose of determining compliance with General Construction National Pollutant Discharge Elimination System (NPDES) Permit No. 3GC05686*AG. Mr. Kelly Irwin, Hull & Associates Inc., accompanied me during the inspection. Below is a summary of my observations:

1) It had rained during the past 24 hours. The low points and berms have been collecting storm water runoff in sufficient quantities to where the final sedimentation basin now contains collected water. At the time of my inspection, the water level in the basin was at least a foot below the orifice attached to the floating skimmer/pump system; therefore, there was no discharge.
2) There is exposed relocated waste on top of the landfill. At several points on the east, south and west side of the landfill, storm water that has contacted solid waste was running down the cover material and entering the storm drainage system. This is leachate. The City of Akron representatives, their consultants, your consultants and yourself were all informed that any water contacting solid waste is considered to be leachate. Leachate entering the storm water system, causes all water it mixes with to be leachate. The General Construction Stormwater NPDES Permit 3GC05686*AG does not authorize the discharge of leachate to waters of the state. **Discharging leachate and/or leachate contaminated storm water would be a violation of the permit and a violation of Ohio Revised Code 6111.04 and 6111.07**. All leachate must be collected and hauled to a properly licensed treatment facility.
3) Detention area 1 has been constructed since my October 24, 2012 inspection. The Storm Water Pollution Prevention Plan (SWPPP) Sheet C-101 indicates under Note 2 titled "Detention Area Construction Sequence" that the basin will be constructed as per detail 2. Detail 2 indicates that a liner was to be installed over a 12-inch cover, over solid waste. The liner was not observed. It is our understanding that this detention area has been located over solid waste. Please confirm whether or not the basin has been constructed in

accordance with the SWPPP. **If no liner is present as called for in the SWPPP, this is a violation of the permit and subsequently Ohio Revised Code 6111.07.**

4) During the inspection it was noted that approximately two to four feet of water has collected behind the berm for the Detention basin. The water was being allowed to discharge thru a cut at the top of the berm, down the berm side wall where it entered a black corrugated 12 to 16 inch pipe. The pipe conveyed the water to Haley's Ditch between the pilings. The water in Haley's Ditch appears to be backing up into the 72 inch storm sewer.
5) The "approved" SWPPP does not show an overflow from Detention Area 1 nor a direct discharge to Haley's Ditch. In accordance with the SWPPP, collected storm water was to be pumped to a point flowing to Detention Area 3 where it would then be pumped to the sedimentation basin. This is not happening and the erosion sediment control structures are being bypassed. **Again, failure to follow the SWPPP is a violation of the General Permit and a violation of Ohio Revised Code 6111.07.** If changes to the SWPPP are necessary due to site conditions, then they must be "approved" by the MS4 and the SWPPP amended prior to being implemented.
6) The large filter bag that was being used last week to dewater Haley's Ditch between the pilings has been removed. Part of the pad it was sitting on is also gone. This area as described above is receiving turbid runoff from the east basin. If water is to be pumped from between the pilings to Haley's Ditch downstream of the pilings then it should be pumped thru the filter bag. Please explain why it is no longer present.

Action Items

1) To date, the water collected in detention area 3 and the sedimentation pond is considered to be leachate. It will need to be pumped and hauled to a properly licensed treatment facility. Please state when this will occur and to what treatment facility it is disposed. Also, state whether or not leachate or leachate contaminated storm water has been discharged from the site to date.
2) State whether or not detention area 1 is located over solid waste and if it was constructed in accordance with the approved SWPPP.
3) Water collected behind the pilings isolating Haley's Ditch must be pumped thru the filter bag. Please acknowledge.

You are requested to adequately address the above listed Action Items no later than November 9, 2012. Failure to do so may result in an enforcement action to be initiated by this office to seek civil and monetary penalties allowed under Ohio Revised Code 6111.99. If you should have any questions concerning any of the above, feel free to contact this writer at (330) 963-1136 or by e-mail at phil.rhodes@epa.state.oh.us.

Sincerely,

Phil Rhodes

Philip P. Rhodes, P.E.
Environmental Specialist II
Division of Surface Water

PPPR/cs

ec: Ray Kinney
Fred Fassnacht
Mike Wytrzyszczewski
Allison Giancola, Ohio EPA, DMWM, NEDO
Dave Dysle, Ohio EPA, DMWM, NEDO

10/29/2012 Sedimentation Pond

10/29/2012: Exposed waste contacting storm water producing leachate (west side)

10/29/2012: Leachate/storm water eroding cover and entering
The storm water conveyance system (west side)

10/29/2012:No berm present to prevent leachate from running off into the storm water conveyance system (west side)

10/29/2012: View from the south. Storm water in Contact with solid waste

10/29/2012: View from south. Storm water/leachate Eroding cover.

10/29/2012: View from south. Storm water/leachate
Eroding cover and entering storm water conveyance system

2/29/2012: East side. Storm water in contact with
solid waste.

2/29/2012: Storm water/leachate eroding cover and
Entering storm water conveyance system