



Mike DeWine, Governor
Jon Husted, Lt. Governor
Laurie A. Stevenson, Director

April 20, 2020

ENTERED DIRECTOR'S JOURNAL

The Honorable Daniel Horrigan
Mayor, City of Akron
166 S. High Street, Suite 103
Akron, Ohio 44308

Re: Cuyahoga Street Landfill
Director's Authorization
Approval
Municipal Solid Waste Landfills
Summit County
MSWL020048

**Subject: Cuyahoga Street Landfill, Summit County
Ohio Administrative Code (OAC) Chapter 513 Authorization**

Dear Mr. Horrigan:

On January 7, 2020, the Ohio Environmental Protection Agency (Ohio EPA), Division of Materials and Waste Management (DMWM), Northeast District Office (NEDO) received an application, dated December 9, 2019, titled, OAC 3745-27-13 Authorization Request, Little Cuyahoga Stream Restoration, Akron, Ohio (Application). The Application was submitted in accordance with the requirements of Ohio Administrative Code (OAC) Rule 3745-27-13 by AECOM, on behalf of the City of Akron (City), for the closed Cuyahoga Street Landfill (Facility) located at 880 Cuyahoga Street, Ohio in Summit County.

On January 1, 2020, OAC Rule 3745-27-13 was rescinded and replaced by OAC Chapter 3745-513. The requirements of OAC Chapter 513 are substantively equivalent to the previous requirements of OAC 3745-27-13. As such, this letter is being issued under the authority of OAC Chapter 3745-513.

OAC Rule 3745-513-20(A) requires authorization from the Director of Ohio EPA (director) before engaging in filling, grading, excavating, building, drilling, or mining on land where a solid waste facility was operated (Chapter 513 activities). The Facility operated as a municipal solid waste landfill from 1954 to 1970. Specifically, the City plans to reconsolidate waste within the existing horizontal limits of waste placement as part of the Little Cuyahoga River stream restoration project.

Based upon a review of the Application submitted in accordance with the requirements of OAC Rule 3745-513-300, I have determined, pursuant to OAC Rule 3745-513-20(A), that the proposed activities, if conducted in accordance with the Application as submitted on January 7, 2020 and as revised through March 11, 2020, and the following conditions, will not result in violation of applicable laws and regulations, will not create a nuisance, and are unlikely to adversely affect public safety or health or the environment. Therefore,

the City of Akron is hereby authorized to perform the activities outlined in this letter in accordance with the plans, specifications, and information submitted as part of the Application.

As part of this approval, the City is subject to the following conditions:

CONDITIONS

General Conditions:

1. This approval grants authorization to perform activities at the Facility in accordance with the Application as submitted on January 7, 2020, and last revised on March 11, 2020. All activities shall be conducted in strict accordance with the plans, specifications, and other information submitted as part of the Application. There may be no deviation from the approved plans without prior written authorization from Ohio EPA. Any future activities at the Facility may require additional Ohio EPA approval.
2. Not later than 72 hours prior to the start of the activities associated with this authorization, the City shall submit written notification, which specifies the anticipated date of commencement, to Ohio EPA, DMWM, NEDO and Summit County Health Department.
3. Access shall be allowed at the Facility to the director or a representative authorized by the director at any time to make inspections, conduct tests, or examine records and reports pertaining to the authorized activities.
4. All on-site activities shall be accomplished in compliance with all applicable state and federal laws and regulations pertaining to environmental protection, including but not limited to the control of air pollution, leachate, surface water run-on and run-off, and protection of ground water.

Operational Conditions:

5. For the purposes of erosion control, the City shall use best management practices and standards as specified in the National Resources Conservation manual titled Rainwater and Land Development prepared by the Ohio Department of Natural Resources, Division of Soil and Water Conservation.

Ohio Revised Code (ORC) Chapter 6111

6. Any liquids, semi-solids, industrial wastes, and other wastes regulated by ORC Chapter 6111 that are removed during intrusive activities shall be collected and securely stored until these materials are properly characterized and disposed of in accordance with ORC Chapter 6111 and the regulations promulgated thereunder.

OAC Rule 3745-513-20(D)(1)

7. This authorization shall terminate three (3) years after its effective date if the City has not begun the activities authorized herein.

OAC Rule 3745-513-20(E)

8. The director may revoke this authorization if the City violates, or is likely to violate, any applicable law or if continued implementation of the approved plans may cause a threat to human health or safety or the environment.

OAC Rule 3745-513-350(B)

9. Any person engaging in Chapter 513 activities shall perform activities in a manner that prevents migration of leachate, explosive gas, or toxic gas from the facility.

OAC Rule 3745-513-350(C)

10. No boring or excavation shall occur within the limits of waste placement unless any excavated waste is replaced within previously existing horizontal limits of waste placement or is treated or disposed of at a licensed, permitted treatment or disposal facility, in accordance with ORC Chapter 3734 and the regulations promulgated thereunder.
11. If boring or excavation occurs outside the limits of waste placement at the Facility, the City shall not use material consisting of solid waste or hazardous waste to backfill the bored or excavated areas.
12. Any solid and/or hazardous waste to be removed from the Facility shall be collected and securely stored until these materials are properly characterized and disposed of in accordance with Ohio Revised Code (ORC) Chapters 3734. and 6111. and the regulations promulgated thereunder.

OAC Rule 3745-513-350(D)

13. Prior to any disposal of waste or contaminated soil from the Facility, the City shall submit copies of sample analysis results, the treatment or disposal method selected, and a letter of acceptance from the treatment or disposal facility, to Ohio EPA, DMWM, NEDO, pursuant to OAC Rule 3745-513-350(D).

OAC Rule 3745-513-350(E)

14. Upon completion of Chapter 513 activities at the Facility, the City shall restore the facility cap to the condition specified in the provisions of Chapter 3734. of the Revised Code and pursuant to OAC Rule 3745-513-350(E).

OAC Rule 3745-513-370

15. Not later than 60 days after completing the activities authorized through this approval, the City shall submit to Ohio EPA, DMWM, NEDO, a certification report in accordance with OAC Rule 3745-513-370.

END OF CONDITIONS

Nothing in this letter shall be construed to authorize any waiver from the requirements of any applicable federal or state laws or regulations except as specified herein. This authorization shall not be interpreted to release the City from responsibility under ORC Chapters 3704, 3714, 3734, or 6111, under the Federal Clean Water Act, the Resource Conservation and Recovery Act, the Toxic Substances Control 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.

You are hereby notified that this action of the director is final and may be appealed to the Environmental Review Appeals Commission pursuant to ORC Section 3745.04. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. The appeal must be filed with the Commission within thirty (30) days after notice of the director's action. The appeal must be accompanied by a filing fee of \$70.00, made payable to "Treasurer, State of Ohio." The Commission, in its discretion, may reduce the fee if by affidavit it is demonstrated that payment of the full amount of the fee would cause extreme hardship. Notice of the filing of the appeal shall be filed with the director within three (3) days of filing with the Commission. Ohio EPA requests that a copy of the appeal be served upon the Ohio Attorney General's Office, Environmental Enforcement Section. An appeal may be filed with the Environmental Review Appeals Commission at the following address:

Environmental Review Appeals Commission
30 East Broad Street, 4th Floor
Columbus, Ohio 43215

Cuyahoga Street Landfill
OAC Rule 3745-513-20(A)
Page 5

If you have any questions regarding this authorization, please contact Karen Naples of Ohio EPA, NEDO at (330) 963-1244.

Sincerely,



Laurie A. Stevenson
Director

LAS/sc

cc: Mayor Daniel Horrigan, City of Akron
Peter Trowbridge, City of Akron
Rebecca Bralek, Summit County Health Department
Louis Burnowski, AECOM