



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

July 10, 2020

Peter Bick, PE
City of Toledo Department of Public Service
Division of Streets, Bridges and Harbor
1189 West Central Avenue
Toledo, Ohio 43610-1062

Re: Toledo-Lucas Port Authority
Director's Authorization
Approval
Beneficial Use
Lucas County
BENU022834

Dear Mr. Bick:

This letter is in response to the City of Toledo's proposal for a Beneficial Use of Dredge Pilot Program for the Lucas County Land Bank Project. The pilot program is a joint project by the City of Toledo and Toledo-Lucas County Port Authority (TLPA) to develop a beneficial use of dredge for use as a substitute for topsoil in the City of Toledo/Lucas County Land Bank demolition program. The City of Toledo is proposing to beneficially use dredge from the TLPA's Riverside Dredge Center of Innovation blended with compost product from the City of Toledo's Class IV composting facility located at 303 Ohio Street, Toledo, 43611. Specifically, a blend consisting of not more than 50% dredge and compost product as defined in Ohio Administrative Code Rule 3745-560-02 (Soil Blend) will be used to install a four-inch top dressing layer on empty lots resulting from the demolition of properties by the City of Toledo. The four-inch top dressing layer will be seeded to produce consistent, dense vegetation.

The City of Toledo has been demolishing approximately 300 abandoned houses per year as part of a grant from the Lucas County Land Bank. On average, approximately 50 cubic yards of topsoil is used for the final dressing layer per lot. Based on 300 lots, it is anticipated that 1,500 cubic yards of the dredge/compost product mixture will be needed as top dressing layer.

Analytical results of the dredge from TLPA's Riverside Dredge Center of Innovation dated March 30, 2018 meet accepted residential standards.

Therefore, Ohio EPA approves the City of Toledo's Pilot Project for the Beneficial Use of Dredge with the following conditions:

1. Only dredge from TLPA's Riverside Dredge Center of Innovation as represented by the analytical results dated March 30, 2018 may be used to create the Soil Blend for this pilot project.

2. Only compost product that is from the City of Toledo class IV composting facility located at 303 Ohio Street, Toledo, 43611 and that meets all applicable compost quality standards and the distribution requirements in Rule 3745-560-420 of the Ohio Administrative Code (OAC) may be combined with the dredge to create the Soil Blend for this pilot project.
3. The Soil Blend will not exceed 50% dredge by volume.
4. The blending of dredge and compost product shall occur at either the TLPA's Riverside Dredge Center of Innovation or the City of Toledo's Class IV composting facility. Unless otherwise provided in a permit issued under Chapter 6111 of the Ohio Revised Code (ORC), the City of Toledo shall implement sediment control practices to catch any solids in runoff or to divert runoff away from all property lines, functional storm water catch basins, drainage ways, railroad rights of way, post construction water quality features, and surface waters of the state.
5. The Soil Blend may be used only as a four-inch top dressing layer at no more than 300 empty lots within the City of Toledo/Lucas County Land Bank demolition program. The placement of the Soil Blend shall occur in such a manner that dust and odors are controlled so as not to cause a nuisance or a health hazard. The placement of the Soil Blend shall not occur during precipitation events or when the ground is frozen and/or snow-covered. Upon placement of the Soil Blend, the City of Toledo shall establish vegetation at each empty lot.
6. This approval expires on December 31, 2021. On December 31, 2020, June 30, 2021 and January 30, 2022, the City of Toledo shall submit a status report that includes all of the following:
 - a. The number of empty lots where the Soil Blend has been placed;
 - b. The amount of dredge and compost used as Soil Blend at each location;
 - c. Photos that show the City of Toledo's progress in establishing a vegetative cover at each location; and
 - d. The location of each lot where vegetative cover has not been established and a description of what actions the City of Toledo has taken and will take to remedy the problem.

The use of dredge from the TLPA's Riverside Dredge Center of Innovation as described above is unlikely to adversely impact the public health or safety or the environment. To the extent that dredge from the TLPA's Riverside Dredge Center of Innovation is a solid waste, the City of Toledo is hereby exempted from the requirement to remit the state solid waste disposal fee set forth in ORC Section 3734.57(A) and from the requirements to obtain a permit and license before establishing a solid waste facility set forth in ORC Sections 3734.02(C), 3734.05(A)(1), and 3734.05(A)(2) and OAC Chapters 3745-27 and 3745-501.

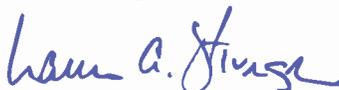
Please note that this letter applies only to the City of Toledo's pilot program outlined above. Any future projects involving the use of dredge may require a beneficial use permit.

You are hereby notified that this action of the Director of Ohio EPA (Director) is final and may be appealed to the Environmental Review Appeals Commission pursuant to Section 3745.04 of the Ohio Revised Code. 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, 4 Floor
Columbus, Ohio 43215

If you have any questions concerning this letter, please contact Maera Flynn of Ohio EPA, Division of Materials and Waste Management, at (614) 644-2621.

Sincerely,



Laurie A. Stevenson
Director

cc: Vlad Cica, Chief, DMWM
Harry Sarvis, Manager, DMWM
Maera Flynn, DMWM