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Mr. Donald E. Stanley, Vice President
The Goodyear Tire and Rubber Company
1144 East Market Street
Akron, Ohio 44316

**RE: Goodyear Seiberling Street Landfill, Summit County
Ohio Administrative Code (OAC) Rule 3745-27-13 Authorization**

Dear Mr. Stanley:

On July 26, 2006, the Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM), Northeast District Office (NEDO) received a request titled Rule 13 Application per OAC 3745-27-13, Goodyear Seiberling Street Landfill, Akron, Ohio, July 2006, dated July 25, 2006, pursuant to OAC Rule 3745-27-13, to engage in filling, grading, excavating, building, drilling, or mining activities at the former Goodyear Seiberling Street Landfill (Facility) located in Summit County. Revisions to the original document were received on September 15, 2006. The July 25, 2006, document and subsequent revisions were submitted by Burgess & Niple, Inc. (B&N) on behalf of the Goodyear Tire and Rubber Company (Goodyear).

OAC Rule 3745-27-13 requires authorization from the director of Ohio EPA before engaging in filling, grading, excavating, building, drilling, or mining on land where a solid waste facility was operated. Specifically, Goodyear requested authorization for waste relocation associated with re-contouring portions of the landfill to achieve maximum 3H:1V side slopes, installation of storm water and erosion control measures, replacement of an existing fence, and reconstruction of the final cover system in disturbed areas. The final cover system is proposed to be reconstructed pursuant to OAC Rule 3745-27-09(F), effective July 29, 1976.

Based upon a review of the document, I have determined, pursuant to OAC Rule 3745-27-13 that the proposed activities will not result in violation of applicable laws or regulations, will not create a nuisance, and are unlikely to adversely affect the public safety or health or the environment. Therefore, Goodyear is hereby authorized to perform the activities outlined in this letter in accordance with the submitted and approved plans, specifications, and information.

As part of this authorization, Goodyear is subject to the following conditions:

Bob Taft, Governor
Jennette Bradley, Lieutenant Governor
Christopher Jones, Director



CONDITIONS

1. This approval grants authorization to perform activities at the Facility in accordance with the document titled Rule 13 Application per OAC 3745-27-13, Goodyear Seiberling Street Landfill, Akron, Ohio, July 2006, received July 26, 2006, and subsequent revisions received September 15, 2006, only. All activities shall be conducted in strict accordance with the plans, specifications, and other information submitted as part of this request. 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 seven (7) days prior to the start of activities associated with this authorization, Goodyear shall submit written notification, which specifies the anticipated date of work commencement, to Ohio EPA, NEDO and the City of Akron Health Department.
3. 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.
4. All on-site activities shall be performed in a manner that prevents migration of leachate, explosive gas, or toxic gas from the Facility.
5. All activities undertaken shall not create a nuisance and shall not adversely affect the public safety or health or the environment.
6. Any portions of the landfill where the cap is removed by activities authorized by this approval shall have the final cap re-established in accordance with the following specifications:
 - a. Material specifications: The following material specifications shall apply to the material intended for use in cap construction. A representative sample of the material shall be evaluated at a frequency not less than once for every 3,000 cubic yards.
 - i. 100% of the material particles shall pass a 10-inch screen, with no more than two particles from a 50-cubic-foot sample retained on a 6-inch screen;
 - ii. At least 95% of the material, by weight, shall pass a 3-inch screen;
 - iii. At least 70% of the material, by weight, shall pass the Number 10 sieve;

- iv. The material that passes the Number 10 sieve (sand, silt, and clay fractions) shall be classified using the USDA textural classification chart as loam, sandy loam, silty loam, clay loam, silty clay, or sandy clay, or an acceptable alternative soil type with concurrence from Ohio EPA.
- b. Construction specifications:
- i. The material shall be compacted to at least 95% of the maximum Standard Proctor Density (ASTM D-698) or 90% of the maximum Modified Proctor Density (ASTM D-1557).
 - ii. The material shall be compacted using loose lifts no greater than eight (8) inches thick prior to compaction.
 - iii. The cap shall have a permeability determined by field permeability methods of no greater than 1×10^{-5} cm/sec or a permeability determined by laboratory permeability methods of no greater than 1×10^{-6} cm/sec as determined by the acceptable testing methods outlined in Condition 6(c)(iii).
- c. Testing specifications:
- i. The suitability of the soils shall be determined prior to their intended use in cap construction. The following tests shall be performed on representative soil samples at least once for every 3,000 cubic yards of material intended for use.
 - (a.) Sieve and hydrometer testing (ASTM D-422) for particle size gradation; and
 - (b.) Moisture/density relationship using either Standard Proctor (ASTM D-698) or Modified Proctor (ASTM D-1557) method.

Prior to testing, the samples shall be screened to remove any particles larger than three inches. Written results of testing shall be submitted to Ohio EPA, NEDO in the form of a soils prequalification report not later than seven (7) days prior to the material's intended use in cap construction.
 - ii. During construction of the cap, compaction shall be monitored to ensure that the proper specifications are met. This can be accomplished by a number of methods, including nuclear densimeter (ASTM D-2922), sand

cone (ASTM D-1556), and rubber balloon (ASTM D-2167). The nuclear densimeter test, if used, shall be performed at least five times per acre per lift. The sand cone or rubber balloon methods shall be performed at least three times per acre per lift. The sampling rate for other methods shall be determined on an individual basis with concurrence from Ohio EPA.

- iii. Upon completion of construction, the permeability of the cap shall be determined through either field permeability testing (ASTM D-6391: Boutwell two-stage permeameter, ASTM D-5093: SDRI) or through laboratory testing of cap samples brought to the lab for analysis (ASTM D-5084: Shelby tubes, soil blocks). The permeability requirements for each type of permeability determination are as follows:
 - (a.) For field permeability tests (ASTM D-6391, ASTM D-5093), the required permeability of the cap is 1×10^{-5} cm/sec.
 - (b.) For laboratory permeability tests (ASTM D-5084: Shelby tubes, soil blocks), the required permeability of the cap is 1×10^{-6} cm/sec.
 - iv. Any penetrations into the cap layer resulting from either compaction or permeability testing shall be repaired using bentonite or an acceptable bentonite/soil mixture.
7. All solid waste to be removed from the Facility shall be containerized and securely stored until these materials are properly characterized and disposed in accordance with Ohio Revised Code (ORC) Chapter 3734 and the regulations promulgated thereunder.
 8. All liquids, semi-solids, industrial wastes, and other wastes regulated by ORC Chapter 6111 that are removed during intrusive activities shall be containerized and securely stored until these materials are properly characterized and disposed in accordance with ORC Chapter 6111 and the regulations promulgated thereunder.
 9. Prior to any removal of waste or contaminated soil from the property, Goodyear 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, NEDO, pursuant to OAC Rule 3745-27-13(H)(4).
 10. For the purposes of erosion control during all phases of construction and investigation of the landfill, Goodyear shall use best management practices and standards as specified in the Ohio Department of Natural Resources manual titled Rainwater and Land

Development. Not later than three (3) days prior to holding a preconstruction meeting between Goodyear and the Summit County Soil and Water Conservation District required as a part of implementation of a storm water permit for construction activities, Goodyear shall notify Ohio EPA DSIWM-NEDO and Ohio EPA's Division of Surface Water (DSW), NEDO, as well as the Akron City Health Department, of the required pre-construction meeting. Copies of any storm water permits and associated conditions shall be submitted to Ohio EPA, NEDO and the Akron City Health Department.

11. No excavation of waste shall occur unless the 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. In no event shall waste be placed lower than the existing waste depth at any given location.
12. If excavation occurs outside the limits of waste placement at the Facility, Goodyear shall not use material consisting of solid or hazardous waste to backfill the excavated areas.
13. Not later than 60 days after completing the activities authorized through this approval, Goodyear shall submit to Ohio EPA a certification report in accordance with OAC Rule 3745-27-13(H)(10).
14. In accordance with OAC Rule 3745-27-13(M), this authorization shall terminate three years after its effective date if Goodyear has not begun the activities authorized herein.
15. The director may revoke this authorization if Goodyear violates, or is likely to violate, any applicable law or if the continued implementation of the approved plans causes a threat to human health or safety or the environment.
16. Commencement of any activities below the ordinary high water mark of either the Little Cuyahoga River or Haley's Ditch shall not occur until all necessary authorizations and permits have been secured from Ohio EPA's DSW and the U.S. Army Corps of Engineers (USACOE), Buffalo District pursuant to Sections 401 and 404 of the Federal Clean Water Act. DSIWM-NEDO, DSW-NEDO, and the Akron City Health Department shall be notified in writing at least 48 hours prior to commencement of any activities requiring necessary DSW and USACOE authorizations that such authorizations have been secured.
17. Soils relocated as a part of this authorization shall be placed in uniform lifts and compacted. All soils relocated shall be seeded in accordance with the approved storm water pollution prevention plan.

OAC Rule 3745-27-03(B) Exemption

As part of the activities approved through this authorization, Goodyear will be excavating and removing wastes from the limits of waste placement of the Facility and placing relocated waste in other areas within the current Facility. All waste movement will occur within the current horizontal limits of waste placement, and in no event shall waste be placed below the existing lower limit of waste placement at that location. As a result of this activity, the final vertical limits of waste placement and final grades will be above the existing limits of waste placement in certain areas.

OAC Rule 3745-27-13(H)(6) states, in part, that no excavation of waste can occur unless the excavated waste is replaced within previously existing horizontal and vertical 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.

OAC Rule 3745-27-03(B) states, in part, that the director may exempt any person generating, collecting, storing, treating, disposing of, or transporting solid wastes, including scrap tires, from any requirement of ORC Chapter 3734, or any rules adopted thereunder if granting the exemption is unlikely to adversely affect the public health or safety or the environment.

Based on a review of the information contained in the July 25, 2006, request and subsequent revisions, I have determined that placing waste in areas of the Facility that results in placing waste above previously existing vertical limits of waste placement is unlikely to adversely affect the public health or safety or the environment. Therefore, pursuant to OAC Rule 3745-27-03(B), I hereby exempt Goodyear from the requirement of OAC Rule 3745-27-13(H)(6), provided Goodyear complies with this authorization.

Other than the specific exemption to OAC Rule 3745-27-13(H)(6), 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 Goodyear 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.

You are hereby notified that this action of the director of Ohio EPA is final and may be appealed to the Environmental Review Appeals Commission (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. It must be filed with the Commission within 30 days after notice of the director's action. The appeal must be accompanied by a filing fee of \$70.00 which the Commission, in its discretion, may reduce if by affidavit you demonstrate that payment of the full amount of the fee would cause extreme hardship. Notice of the filing of the appeal shall be

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filed with the director within three days after 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 Commission at the following address:

Environmental Review Appeals Commission
309 South Fourth Street
Room 222
Columbus, Ohio 43215

If you have any questions regarding this authorization, please contact either John Schmidt of Ohio EPA, NEDO at (330) 963-1175 or David Dysle of Ohio EPA, NEDO at (330) 963-1286.

Sincerely,

Joseph P. Koncelik
Director

JPK/JS/MM/sw

cc: Lynn Sowers, DSIWM-NEDO
Scott Hester, DSIWM-CO
Laura Fay, DSW-CO, 401/404 Planning Group
James Peabody, U.S. Army Corp. of Engineers, Buffalo District
Gayle Snyder, Summit County Soil and Water Conservation District
Julie Brown, Akron City Health Department
Tom Leigh, Burgess & Niple, Inc.