



State of Ohio Environmental Protection Agency

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MAY 24 2010 P.O. Box 1049
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ENTERED DIRECTOR'S JOURNAL

MAY 24 2010

I certify this to be a true and accurate copy of the official documents as filed in the records of the Ohio Environmental Protection Agency.

James Bischoff, P.E.
City Engineer
City of Marion
233 West Center Street
Marion, Ohio 43301-1822

By: John Lasser Date: 5-24-10

Re: Marion City Sanitary Landfill, Marion County
Ohio Administrative Code Rule 3745-27-13 Authorization Request

Dear Mr. Bischoff:

On December 23, 2008, the Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM), Northwest District Office (NWDO) received a request from Civil & Environmental Consultants, Inc. on behalf of The City of Marion (City), pursuant to Ohio Administrative Code (OAC) Rule 3745-27-13, to excavate and install engineering measures to collect leachate and to stabilize a slope at the closed Marion City Sanitary Landfill (Facility). Revisions to the request were received on October 5, 2009 and April 2, 2010. Pursuant to OAC Rule 3745-27-13, the facility must receive approval 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.

This authorization is being pursued in order to reduce the potential for leachate contamination outside the limits of the Facility. The work will include removing the existing cover, installing leachate collection pipes, installing manholes, piping the collected leachate to an existing manhole, and reconstructing final cover. Additionally, the City will stabilize a slope failure area by adding concrete matting with appropriate anchoring.

Based upon a review of the request, I have determined, pursuant to OAC Rule 3745-27-13, that the proposed activities, if conducted in accordance with the request and the following conditions, will not result in a 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, the City and their appointed representatives are 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, the City and their appointed representatives are subject to the following conditions:

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

CONDITIONS

1. This approval grants authorization to perform activities at the Facility in accordance with the request titled "OAC Rule 3745-27-13 Request for Leachate Management System Improvements and Slope Failure repair at the Marion City Sanitary Landfill, Marion County, Ohio," received on December 23, 2008 and revised on October 5, 2009 and April 2, 2010. 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. The Director, or a representative authorized by the Director, may enter the Facility at any time to make inspections, conduct tests, or examine records and reports pertaining to the authorized activities.
3. Not later than seven (7) calendar days prior to the start of activities associated with this authorization, the City shall submit written notification which specifies the anticipated date of work commencement to Ohio EPA, DSIWM, NWDO.
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.
5. All activities undertaken shall not create a nuisance and shall not adversely affect public safety or health or the environment.
6. All solid and/or hazardous wastes 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.
7. 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.
8. Prior to any removal of waste or contaminated soil from the Facility, the City and their appointed representative 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, DSIWM, NWDO pursuant to OAC Rule 3745-27-13(H)(4).

9. The City and their appointed representatives shall take measures to control fugitive dust and other air emissions that may result from activities authorized by this action.
10. Pursuant to OAC Rule 3745-27-13(H)(9), upon completion of filling, grading, excavating, building, drilling, or mining activities at the Facility, the City shall restore the condition of the Facility cap in accordance with the appropriate provisions of ORC Chapter 3734 and the rules promulgated thereunder, as were applicable at the time the facility originally submitted certification of closure, or the rules the facility was required to close under if certification was never submitted.
11. In accordance with OAC Rule 3745-27-13(M), this authorization shall terminate three (3) years after its effective date if the City or their appointed representative has not begun the activities authorized herein.
12. Not later than sixty (60) days after completing the activities authorized through this approval, the City shall submit to Ohio EPA, DSIWM, NWDO a certification report in accordance with OAC Rule 3745-27-13(H)(10).
13. The Director may revoke this authorization if the City or their appointed representative 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.
14. Nothing in this letter shall be construed to authorize any waiver from the requirements of any applicable federal or state laws or regulations. This authorization shall not be interpreted to release the City, their appointed representative, or others 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.

END OF CONDITIONS

You are hereby notified that this action of the Director 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. The appeal 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, made payable to "Ohio Treasurer Kevin Boyce," 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 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,

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Environmental Enforcement Section. An appeal may be filed with the Environmental Review Appeals Commission at the following address:

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

If you have any questions or concerns in regard to this matter, please contact Andy Drumm at the Northwest District Office at (419) 373-3061.

Sincerely,



Chris Korleski
Director

Enclosure

cc: Tyler Madeker, DSIWM, NWDO
Andy Drumm, DSIWM, NWDO
Marion County Health Department