



**Environmental
Protection Agency**

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

OHIO E.P.A.

MAY 17 2011

ENTERED DIRECTOR'S JOURNAL

MAY 17 2011

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.

Christian J. Elliott
Ohio Soil Recycling, LLC
2101 Integrity Drive South
PO Box 09447
Columbus, Ohio 43209

By: Dana Lassiter Date: 5-17-11

**Re: Closed Anchor Landfill, Franklin County
Ohio Administrative Code (OAC) Rule 3745-27-13 Authorization**

Dear Mr. Elliott:

On February 11, 2011, the Ohio Environmental Protection Agency (Ohio EPA), Division of Materials and Waste Management (DMWM), Central District Office (CDO) received a request titled "OAC 3745-27-13 Request," dated February 10, 2011, from Ohio Soil Recycling, LLC (OSR). OSR submitted the request, pursuant to OAC Rule 3745-27-13, in order to engage in filling, grading, excavating, building, drilling, or mining activities at the closed Anchor Landfill (Landfill) located at 1828 Alum Creek Drive, Columbus, Franklin County, Ohio. The Landfill is closed municipal solid waste that operated from approximately 1954 until 1972.

OAC Rule 3745-27-13 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. Specifically, OSR proposes to construct a soil treatment pad on top of the Landfill for recycling imported soil, install surface water control ditches around the perimeter of the Landfill, and construct an HDPE plastic liner below designated areas of soil recycling.

Based upon a review of the request, I have determined, pursuant to OAC Rule 3745-27-13, that the proposed activities 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, OSR is hereby authorized to perform the proposed activities in accordance with the plans, specifications, and information submitted as part of this request.

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

CONDITIONS

1. This approval grants OSR authorization to perform activities at the Landfill in accordance with the request titled "OAC 3745-27-13 Request," received on February 11, 2011. 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 Landfill may require additional Ohio EPA approval.
2. OSR shall allow access to 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.
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 runoff, and protection of ground water.
4. In accordance with OAC Rule 3745-27-13(J), all activities undertaken shall not result in violation of applicable laws, shall not create a nuisance, and shall not adversely affect public safety or health or the environment.
5. No excavation of waste shall occur. If solid waste is encountered, Ohio EPA, DMWM, CDO shall be notified immediately. All solid waste shall be properly disposed in accordance with Ohio Revised Code (ORC) Chapter 3734 and the regulations promulgated thereunder.
6. For the purpose of erosion control during all phases of construction at the Landfill, OSR shall notify Ohio EPA, Division of Surface Water, CDO; obtain coverage under the NPDES General Permit for storm water related to construction activity; and use best management practices and standards as specified by the Ohio Department of Natural Resources, Division of Soil and Water Conservation manual titled *Rainwater and Land Development*.
7. OSR shall take measures to control fugitive dust and other air emissions that may result from activities authorized by this action.
8. OSR shall maintain a positive slope throughout areas of the Landfill that are being graded to allow surface water to drain to the sedimentation basin.

9. In accordance with OAC Rule 3745-27-13(M), this authorization shall terminate three years after its effective date if OSR has not begun the activities authorized herein.
10. Not later than 60 days after completing the activities authorized through this approval, OSR shall submit to Ohio EPA, DMWM, CDO a certification report in accordance with OAC Rule 3745-27-13(H)(10).
11. The Director may revoke this authorization if OSR violates, or is likely to violate, any applicable law or if the continued implementation of the approved plans may cause a threat to human health or safety or the environment.
12. 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 OSR 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 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
309 South Fourth Street
Room 222
Columbus, Ohio 43215

Christian J. Elliott
Ohio Soil Recycling, LLC
Page 4 of 4

If you have any questions, please contact Allan Hurtt of Ohio EPA, CDO at (614) 728-3889.

Sincerely,



Scott J. Nally
Director

c: Jeff Gibbs, Franklin County Health Department
Scott Hester, DMWM-CO
Steve Rath, DMWM-CDO
Rob Priestess, Floyd Browne Group