



**Environmental
Protection Agency**

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

OHIO E.P.A.
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ENTERED DIRECTOR'S JOURNAL

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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.

Mr. Jack Wachter
Office of Environmental Quality
805 Central Avenue, Suite 320
Cincinnati, Ohio 45202

By: Don Cassiter Date: 8-1-11

**Re: Closed Center Hill Landfill and Elmwood Place Landfill, Hamilton County
Ohio Administrative Code (OAC) Rule 3745-27-13 Authorization**

Dear Mr. Wachter:

On May 6, 2011, the Ohio Environmental Protection Agency (Ohio EPA), Division of Materials and Waste Management (DMWM), Southwest District Office (SWDO), received a request titled "Request for Authorization Under Rule OAC 3745-27-13 for Filling and Grading at the Closed Center Hill and Elmwood Place Landfills, Hamilton County, Ohio, Keramida Project No. 14391," prepared by Keramida, on behalf of the City of Cincinnati (City), with final revisions received on June 1, 2011. The documents, dated May 2, 2011 with revisions through June 1, 2011, were submitted pursuant to Ohio Administrative Code (OAC) Rule 3745-27-13 in order to engage in filling and grading at the closed Center Hill Landfill and the Elmwood Place Landfill.

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. At the Center Hill and Elmwood Place landfills, specifically, the City has requested authorization to distribute clean fill over the existing soil caps, partially compact the clean fill with vehicle and heavy equipment traffic, and grade the additional soil to previously existing general surface drainage patterns. This will allow for proper drainage and leveling of elevation at the landfills in order to prepare them for redevelopment in an effort to revitalize the area.

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/or their appointed representative are 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, the City and/or their appointed representative are subject to the following conditions:

CONDITIONS

1. This approval grants authorization to perform activities at the Center Hill Landfill and Elmwood Place Landfill in accordance with the document titled "Request for Authorization Under Rule OAC 3745-27-13 for Filling and Grading at the Closed Center Hill and Elmwood Place Landfills, Hamilton County, Ohio, Keramida Project No. 14391," dated May 2, 2011 with revisions through June 1, 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 Center Hill Landfill or Elmwood Place Landfill may require additional Ohio EPA approval.
2. Not later than seventy-two (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, SWDO.
3. All on-site activities shall be performed in a manner that prevents migration of leachate, explosive gas, or toxic gas from the Center Hill Landfill and Elmwood Place Landfill.
4. All activities undertaken shall not create a nuisance and shall not adversely affect public safety or health or the environment.
5. All solid and/or hazardous waste to be removed from the Center Hill Landfill or Elmwood Place Landfill 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.
6. 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.
7. Pursuant to OAC Rule 3745-27-13(H)(4), prior to any removal of waste or contaminated soil from the Center Hill Landfill or Elmwood Place Landfill, the City and/or 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, DMWM, SWDO.

8. Not later than sixty (60) days after completing the activities authorized by this approval, the City and/or their appointed representative shall submit to Ohio EPA, DMWM, SWDO a certification report in accordance with OAC Rule 3745-27-13(H)(10).
9. 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 runoff and runoff, and protection of ground water. Surface water control structures shall be constructed, as needed, to divert water around the construction site. For the purpose of erosion control during all phases of construction at the Center Hill Landfill and Elmwood Place Landfill, the City and/or their appointed representative shall 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*.
10. The City and/or their appointed representative shall take measures to control fugitive dust and other air emissions that may result from activities authorized by this action.
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. In accordance with OAC Rule 3745-27-13(K), 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.

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 and/or 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.

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

If you have any questions concerning this authorization, please contact Holly Hillyer of Ohio EPA, DMWM, SWDO at (937) 285-6072.

Sincerely,



Scott J. Nally,
Director, Ohio EPA

cc: Scott Hester, DMWM-CO
Tracy Buchanan, DMWM-SWDO
Rick Thornburg, Cincinnati Health Department