



**Environmental
Protection Agency**

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

OHIO E.P.A.

AUG 29 2011

ENTERED DIRECTOR'S JOURNAL

AUG 29 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.

Mr. Brian Morehead
City of Newark
Department of Public Services
40 West Main Street
Newark, Ohio 43055

By Don Lassiter Date: 8/29/11

**Re: Closed Watson Road Landfill, Licking County
Ohio Administrative Code (OAC) Rule 3745- 27-13 Authorization**

Dear Mr. Morehead:

On June 30, 2011, the Ohio Environmental Protection Agency (Ohio EPA), Division of Materials and Waste Management (DMWM), Central District Office (CDO) received a request titled "Rule 13 Application," prepared by Burgess & Niple, on behalf of the City of Newark (City). The request, dated June 2011, was submitted pursuant to OAC Rule 3745-27-13 in order to perform remediation activities at the closed Watson Road Landfill (Facility). The Facility, located on the north side of Watson Road (Township Road 300) in Madison Township, Licking County, Ohio, is a closed municipal solid waste landfill which operated from 1970 until 1976 and was licensed by the Licking County Health Department.

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, the City proposes to perform landfill cap repair, including relocation of small amounts of waste within the limits of waste placement, installation of a phytoremediation system, and natural stream channel restoration on and adjacent to the Facility. A small surface water drainage ditch will also be installed at the Facility. The activities will be performed in order to achieve compliance with the Facility's NPDES permit by reducing surface water infiltration over areas of waste and reducing leachate seepage at the Facility.

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 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, the City is subject to the following conditions:

CONDITIONS

1. This approval grants the City authorization to perform activities at the Facility in accordance with the request titled "Rule 13 Application Watson Road Landfill, Newark, Ohio," dated June 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 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 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, CDO.
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. Solid waste that is excavated and not replaced within the Facility's current limits of waste placement 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. Pursuant to OAC Rule 3745-27-13(H)(4), prior to any removal of waste or contaminated soil from the Facility, the City 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, CDO.
9. For the purpose of erosion control during all phases of construction at the Facility, the City shall obtain coverage under the NPDES General Permit through

Ohio EPA, Division of Surface Water, CDO 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."

10. All on-site activities shall be performed in a manner that prevents migration of leachate, explosive gas, or toxic gas from the Facility.
11. The City shall take measures to control fugitive dust and other air emissions that may result from activities authorized by this action.
12. In accordance with OAC Rule 3745-27-13(M), this authorization shall terminate three years after its effective date if the City has not begun the activities authorized herein.
13. Not later than 60 days after completing the activities authorized through this approval, The City shall submit to Ohio EPA, DMWM, CDO a certification report in accordance with OAC Rule 3745-27-13(H)(10).
14. In accordance with OAC Rule 3745-27-13(O), the Director may revoke this authorization if the City 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.
15. 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 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

EXEMPTION FROM OAC RULE 3745-27-13(H)(6)

OAC 3745-27-13(H)(6) requires that "no excavation of waste shall 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 Chapter 3734. of the Revised Code and the regulations promulgated thereunder."

As part of the activities approved through this authorization, the City will be excavating waste and relocating it to other areas within the Facility. All waste movement will occur within the current horizontal limits of waste placement. However, as a result of these

activities, the final vertical limits of waste placement will be above the existing limits of waste placement in certain areas.

Pursuant to ORC Section 3734.02(G) and OAC Rule 3745-27-03(B), the Director may, by order, exempt any person generating, collecting, storing, treating, disposing of, or transporting solid wastes, or processing solid wastes that consist of scrap tires, in such quantities or under such circumstances that, in the determination of the Director, are unlikely to adversely affect the public health or safety or the environment, from any requirement to obtain a registration certificate or license or comply with other requirements of ORC Chapter 3734.

Ohio EPA has reviewed the request dated June 2011 and has determined that granting an exemption in order to place waste in areas of the Facility above previously existing vertical limits of waste placement is unlikely to adversely affect the public health or safety or the environment. Therefore, pursuant to ORC Section 3734.02(G) and OAC Rule 3745-27-03(B), the City is hereby exempted from OAC Rule 3745-27-13(H)(6), which requires, 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, provided the Facility complies with the requirements of the submitted and approved plans, specifications, and information and this authorization. This exemption shall remain in effect throughout the effective period of this authorization unless otherwise revoked.

END OF EXEMPTION

You are hereby notified that this action of the 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," 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, Environmental Enforcement Section. An appeal may be filed with the Environmental Review Appeals Commission at the following address:

Environmental Review Appeals Commission
77 South High Street
17th Floor
Columbus, Ohio 43215

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

Sincerely,



Scott J. Nally
Director

cc: Mohammad Khan, Licking County Health Department
Scott Hester, DMWM-CO
Steve Rath, DMWM-CDO
Michael Leone, Burgess and Niple, Inc.