



OHIO E.P.A.

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ENTERED DIRECTOR'S JOURNAL

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

CERTIFIED

October 18, 2013

Mr. Ron Merthe
Utilities Superintendent
City of Amherst
P.O. Box 490
Amherst, Ohio 44001-0470

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.

By: Joyce Lasser Date: 10-18-13

**RE: AMHERST LANDFILL (CLOSED), LORAIN COUNTY
OHIO ADMINISTRATIVE CODE (OAC) RULE 3745-27-13 AUTHORIZATION**

Dear Mr. Merthe:

On November 12, 2008, The Ohio Environmental Protection Agency (Ohio EPA), Division of Materials and Waste Management (DMWM), Northeast District Office (NEDO), received a request, dated October, 2008, titled *City of Amherst Rule 13 Authorization Application OAC 3745-27-13 for Property Located at 1103 Pyle South Amherst Road, Amherst Township, Ohio*. Revisions to the document were received on December 14, 2009, September 24, 2010, March 25, 2011, and January 24, 2013. The documents were submitted in accordance with Ohio Administrative Code (OAC) Rule 3745-27-13(E) by BKS Environmental, Ltd., on behalf of the City of Amherst (City) for the closed City of Amherst Landfill (Facility).

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. The City is requesting permission to conduct filling, grading, and compaction operations on top of the Facility, in order to store and manage soil, sand, clay, and clean hard fill material generated from projects completed by the City of Amherst.

Based upon a review of the request and all subsequent revisions, 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 violations of applicable laws and 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 activities outlined in this letter in accordance with the above identified submittals, specifications, and information.

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

CONDITIONS

1. This approval grants authorization to perform activities at the Facility in accordance with the November 12, 2008, document, titled *City of Amherst Rule 13 Authorization Application OAC 3745-27-13 for Property Located at 1103 Pyle South Amherst Road, Amherst Township, Ohio*, and subsequent revisions received on December 14, 2009, September 24, 2010, March 25, 2011, and January 24, 2013. 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 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, NEDO and the Lorain County 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 public safety or health or the environment.
6. All solid and/or hazardous waste to be removed from the Facility shall be containerized and securely stored until these materials are properly characterized and disposed of 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 the materials are properly characterized and disposed of in accordance with ORC Chapter 6111 and the regulations thereunder.
8. 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, NEDO, pursuant to OAC Rule 3745-27-13(H)(4).

9. Not later than sixty (60) days after completing the activities authorized by this approval, the City shall submit to Ohio EPA, DMWM, NEDO, a certification report in accordance with OAC Rule 3745-27-13(H)(10).
10. The City shall take measures to control fugitive dust and other air emissions that may result from activities authorized by this approval.
11. For the purposes of erosion control during the completion of the activities authorized by this approval, the City shall use best management practices and standards as specified in the National Resources Conservation manual titled Rainwater and Land Development prepared by the Ohio Department of Natural Resources, Division of Soil & Water Conservation.
12. Any portion of the landfill where the final cover system is removed or damaged by activities conducted pursuant to this authorization shall have the final cover system re-established in accordance with OAC Rule 3745-27-13(H)(9).
13. No boring or excavation shall occur unless excavated waste is replaced within previously existing horizontal and vertical limits of waste placement or treated or disposed of at a licensed, permitted treatment or disposal facility, in accordance with ORC Chapter 3734 and the regulations promulgated thereunder.
14. If boring or excavation occurs outside the limits of waste placement at the Facility, the City shall not use material consisting of solid or hazardous waste to backfill the bored or excavated areas.
15. In accordance with OAC Rule 3745-27-13(M), this authorization shall terminate three (3) years after its effective date if the City has not begun the activities authorized herein.
16. In accordance with OAC Rule 3745-27-13(K), the Director may revoke this authorization if the City violates, or is likely to violate, any applicable law or if continued implementation of the authorized plans may cause a threat to human health or safety or the environment.
17. 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 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
77 South High Street, 17th Floor
Columbus, Ohio 43215

If you have any questions concerning this letter, please contact Clarissa Gereby of Ohio EPA, NEDO at (330) 963-1224.

Sincerely,



Scott J. Nally
Director

cc: Scott Hester, DMWM-CO
Jarnal Singh, DMWM-NEDO
John Sabo, Lorain County Health Department
Brandon K. Smith, BKS Environmental, LTD.