



**Environmental
Protection Agency**

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

OHIO E.P.A.

MAY 31 2012

ENTERED DIRECTOR'S JOURNAL

CERTIFIED MAIL

May 31, 2012

Mr. Mark Waite
Safety Coordinator
Franklin County Engineer's Office
970 Dublin Road
Columbus, Ohio 43215

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: Danica Lassiter Date: 5-31-12

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

Dear Mr. Waite:

On April 25, 2012, the Ohio Environmental Protection Agency (Ohio EPA), Division of Materials and Waste Management (DMWM), Central District Office (CDO) received a request titled "West Maintenance Facility Material Storage/Laydown Expansion" from the Franklin County Engineer's Office (FCEO). The request was submitted pursuant to OAC Rule 3745-27-13 in order to fill and grade soil and construct a storage/laydown area for materials on top of a portion of the closed Fisher Road Landfill (Facility), located in Franklin County. The Facility is a municipal solid waste landfill that began operations in 1976 and closed in 1978 under the 1976 solid waste landfill regulations and spans approximately 14.6 acres. Shredded domestic and commercial solid waste from City of Columbus transfer stations was accepted at the Facility.

OAC Rule 3745-27-13 requires authorization from the Director of Ohio EPA (Director) prior to engaging in filling, grading, excavating, building, drilling, or mining activities on land where a solid waste facility was operated. Specifically, FCEO is proposing to add and grade clean dirt fill within a 2 acre section on the center south area of the Facility to allow for a material storage area. Asphalt chips and gravel would then be spread over the fill area and compacted. A tar emulsion and limestone would be applied and compacted. Materials that would be stored are plastic tile and fittings, concrete tile, precast catch basins, concrete block and brick, snow fence post, steel plates, traffic

barrels, gravel, and stone as required for seasonal needs. No excavation of the landfill would be required.

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, FCEO is hereby authorized to perform the proposed activities in accordance with the plans, specifications, and information submitted as part of this request.

CONDITIONS

1. This approval grants FCEO authorization to perform activities at the Facility in accordance with the request titled "West Maintenance Facility Material Storage/ Laydown Expansion" received on April 25, 2012. All activities shall be conducted in strict accordance with the plans, specifications, and other information submitted which constitute this request. There may be no deviation from the approved request 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. 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 activities undertaken shall not create a nuisance and shall not adversely affect public safety or health or the environment.
5. FCEO shall take measures to control fugitive dust and other air emissions that may result from activities authorized by this action.
6. All activities shall be performed in a manner that prevents migration of leachate, explosive gas, or toxic gas from the Facility.

7. In accordance with OAC Rule 3745-27-13(M), this authorization shall terminate three years after its effective date if the Facility has not begun the activities authorized herein.
8. Not later than 60 days after completing the activities authorized through this approval, FCEO shall submit to Ohio EPA, DMWM, CDO a certification report in accordance with OAC Rule 3745-27-13(H)(10).
9. In accordance with OAC Rule 3745-27-13(O), the Director may revoke this authorization if FCEO 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.
10. 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 FCEO, 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 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 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:

Mr. Mark Waite
Safety Coordinator
Page 4 of 4

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Scott J. Nally". The signature is written in a cursive style with a large initial "S".

Scott J. Nally
Director

c: Kathryn Madden, Columbus Public Health
Scott Hester, DMWM-CO
Allan Hurtt, DMWM-CDO