



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

OHIO E.P.A.

OCT 21 2013

ENTERED DIRECTOR'S JOURNAL

CERTIFIED

October 21, 2013

Mr. Michael Boyas
Boyas Contributions, LLC
11311 Rockside Road
Valley View, Ohio 44125

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: [Signature] Date: 10-21-13

**RE: Nicky Boulevard Landfill, Cuyahoga County
Ohio Administrative Code (OAC) Rule 3745-27-13 Authorization**

Dear Mr. Boyas:

On August 6, 2013, the Ohio Environmental Protection Agency (Ohio EPA), Division of Materials and Waste Management (DMWM), Northeast District Office (NEDO), received a request, dated August 5, 2013, titled *OAC Rule 3745-27-13 Authorization Request, Leachate Management System Installation* (Request) for the closed Nicky Boulevard Landfill (Facility) located at 4560 Nicky Boulevard, Cuyahoga Heights, Cuyahoga County, Ohio. The Request was submitted in accordance with OAC Rule 3745-27-13 by North Point Engineering, on behalf of Boyas Contributions, LLC (Boyas), for the closed Facility. Revisions to the Request, dated September 9, 2013, were received on September 10, 2013.

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. Boyas is requesting permission to install a leachate collection toe drain, pumping station, and force main.

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, as submitted on August 6, 2013 and as revised September 9, 2013 and the following conditions, will not result in violation 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, Boyas is hereby authorized to perform the proposed activities outlined in this letter in accordance with the plans, specifications, and information submitted as part of the Request.

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

CONDITIONS

1. This approval grants authorization to perform activities at the Facility in accordance with the Request, as submitted on August 5, 2013 and revised on September 9, 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 Request 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, Boyas shall submit written notification, which specifies the anticipated date of commencement, to Ohio EPA, DMWM, NEDO and the Cuyahoga County Board of Health (CCBH).
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 shall be performed in a manner that prevents migration of leachate, explosive gas, and 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 these materials are properly characterized and disposed in accordance with ORC Chapter 6111 and the regulations promulgated thereunder.
8. Prior to any removal of waste or contaminated soil from the Facility, Boyas 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, Boyas shall submit to Ohio EPA, DMWM, NEDO, a certification report in accordance with OAC Rule 3745-27-13(H)(10).
10. Boyas 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 all phases of construction at the Facility, Boyas 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. No boring or excavation 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 ORC Chapter 3734 and the regulations promulgated thereunder.
13. If boring or excavation occurs outside the limits of waste placement at the Facility, Boyas shall not use material consisting of solid or hazardous waste to backfill the bored or excavated areas.
14. In accordance with OAC Rule 3745-27-13(M), this authorization shall terminate three (3) years after its effective date if Boyas has not begun the activities authorized herein.
15. In accordance with OAC Rule 3745-27-13(O), the Director may revoke this authorization if Boyas 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.
16. Boyas shall, within thirty (30) days after the effective date of this authorization, submit the following information to Ohio EPA:
 - a. A revised post-closure care cost estimate to also include the costs associated with this authorization. The revised post-closure care cost estimate shall contain an itemized written estimate, in current dollars, of the cost of post-closure care for the sanitary landfill facility in accordance with OAC Rule 3745-30-10 and this authorization. The estimate shall be based on a third party conducting the post-closure care activities. Ohio EPA may review, approve, and/or require revisions to the post-closure care cost estimate and/or to the post-closure care financial assurance instrument.

- b. A new financial assurance instrument meeting the requirements of OAC Rule 3745-27-16 funded in an amount not less than the amount of the revised post-closure care cost estimate listed in Condition 16.a. or a rider increasing the amount of the existing financial assurance instrument to an amount not less than the revised cost estimate listed in Condition 16.a. Ohio EPA may review, approve, and/or require revisions to the post-closure care cost estimate and/or to the post-closure care financial assurance instrument.
17. Boyas shall, in accordance with OAC Rule 3745-30-10(C)(6), submit a report to the Ohio EPA, DMWM, NEDO, and CCBH not later than the first day of April of each year, which contains the following:
 - a. A summary of the quantity of leachate collected for treatment and disposal on a monthly basis during the year, and the location of leachate treatment and/or disposal.
 - b. Results of analytical testing of an annual grab sample of leachate for the parameters specified in OAC Rule 3745-30-03(A). The grab sample shall be obtained from the leachate management system.
 - c. The most recent updated post-closure cost estimate adjusted for inflation and for any change in the post-closure cost estimate required by OAC Rule 3745-27-16.
18. 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 Boyas from responsibility under Ohio Revised Code (ORC) Chapters 3704, 3714, 3734, or 6111; under the Federal Clean Water Act, the Resource Conservation and Recovery 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

Issuance of this action does not constitute expressed or implied approval or agreement that, if constructed in accordance with the plans, specification, and/or information constituting the Request, the Facility will conduct post-closure care in compliance with applicable state and federal laws, rules, and regulations.

You are hereby notified that this action of the Director of Environmental Protection 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

Mr. Michael Boyas
Boyas Contributions, LLC
Page 5

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 St., 17th Floor
Columbus, Ohio 43215

If you have any questions concerning this authorization, please contact Judy Bowman of Ohio EPA, DMWM, NEDO at (330) 963-1238.

Sincerely,



Scott J. Nally
Director, Ohio EPA

SJN/JB/cl

cc: Scott Hester, DMWM, CO, w/enclosure
Lynn Sowers, DMWM, NEDO
Virginia Wilson, DSW, NEDO
Dane Tussel, CCBH, w/enclosure
Ron Zitek, P.E., North Point Engineering