



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

OHIO E.P.A.

OCT 11 2012

ENTERED DIRECTOR'S JOURNAL

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.

CERTIFIED

October 11, 2012

By Don Lassiter Date: 10-11-12

Mr. Adam Sackenheim
Butler County Water and Sewer Department
130 High Street
Hamilton, Ohio 45011

**RE: Woodsdale Landfill, Butler County
Ohio Administrative Code (OAC) Rule 3745-27-13 Authorization**

Dear Mr. Sackenheim:

On September 10, 2012, the Ohio Environmental Protection Agency (Ohio EPA), Division of Materials and Waste Management (DMWM), Southwest District Office (SWDO), received a request from and prepared by the Butler County Water and Sewer Department (BCWS) to conduct activities on the closed Woodsdale Landfill (Facility) in Butler County. The request was submitted pursuant to Ohio Administrative Code (OAC) Rule 3745-27-13.

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, BCWS is requesting to raise the height and extend the existing earthen berms, create three smaller earthen berms, improve site drainage, and install a safety watch tower at the Facility. The U.S. Army Reserves Engineers Unit will be performing all of the site work on behalf of BCWS for this project.

Based upon a review of the request, I have determined, pursuant to OAC Rule 3745-27-13, 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, BCWS is hereby authorized to perform the activities outlined in this letter in accordance with the submitted and approved plans, specifications, and information.

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

CONDITIONS

1. This approval grants BCWS and/or its approved representative authorization to perform activities at the Facility in accordance with the request titled "*Authorization 13: Request for approval for activities at Woodsdale Road Sanitary Landfill in Butler County*", dated September 4, 2012 and received September 10, 2012. 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 twenty-four (24) hours prior to the start of activities associated with this authorization, BCWS shall submit written notification, which specifies the anticipated date of work commencement, to Ohio EPA, SWDO.
3. BCWS and/or its appointed representative shall allow access to the Facility to the Director or a representative authorized by the Director at any time to make inspections, conduct tests, or examine records and reports pertaining to the authorized activities.
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 on-site activities shall be performed in a manner that prevents migration of leachate, explosive gas, or toxic gas from the Facility.
6. BCWS and/or its appointed representative shall take measures to control fugitive dust and other air emissions that may result from activities authorized by this approval.
7. All activities undertaken shall not create a nuisance and shall not adversely affect public safety or health or the environment.
8. All solid and/or hazardous waste removed during construction activities 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.
9. 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 of in accordance with ORC Chapter 6111 and the regulations promulgated thereunder.

10. Prior to any removal of waste or contaminated soil from the Facility, BCWS and/or its 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 in accordance with OAC Rule 3745-27-13(H)(4).
11. Not later than sixty (60) days after completing the activities authorized by this approval, BCWS shall submit to Ohio EPA, DMWM, SWDO a certification report in accordance with OAC Rule 3745-27-13(H)(10).
12. BCWS shall take measures to minimize the potential for increased infiltration of surface water that may result from activities authorized by this authorization.
13. In accordance with OAC Rule 3745-27-13(K), the Director may request additional information or impose special terms and conditions upon any person engaging in filing, grading, excavating, building, drilling, or mining on land where a hazardous waste facility or a solid waste facility was operated as is appropriate or necessary to ensure compliance with all applicable laws and regulations administered by the Director, and to ensure protection of public health and safety and the environment.
14. In accordance with OAC Rule 3745-27-13(M), this authorization shall terminate three (3) years after its effective date if BCWS and/or its appointed representative has not begun the activities authorized herein.
15. In accordance with OAC Rule 3745-27-13(O), the Director may revoke this authorization if BCWS and/or its 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.
16. Nothing in this letter shall be construed to authorize any waiver from any requirements of applicable federal or state laws or regulations. This authorization shall not be interpreted to release BCWS and/or its appointed representative 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.

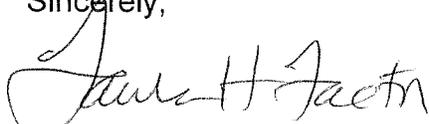
END OF CONDITIONS

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 Ohio Revised Code 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 Commission at the following address:

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

If you have any questions regarding this authorization, please contact Maria Lammers of Ohio EPA, SWDO at (937) 285-6046 or maria.lammers@epa.state.oh.us.

Sincerely,



Scott J. Nally
Director

SJN/ML

Attachment

cc: Scott Hester, DMWM, Central Office, w/attachment
Tracy Buchanan, DMWM, SWDO, w/attachment