



State of Ohio Environmental Protection Agency

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JUN 12 2002

Robert Swickard  
Chairman

St. Clair Township Trustees  
15446 East Liverpool Rd.  
East Liverpool, OH 43920

I certify this to be a true and accurate copy of the  
official record of the State of Ohio  
Environmental Protection Agency

By *[Signature]* 6/12/02

OHIO E.P.A.  
JUN 12 2002  
ENTERED DIRECTOR'S JOURNAL

**Re: Former City of East Liverpool Landfill, Columbiana County  
Ohio Administrative Code (OAC) Rule 3745-27-13 Authorization**

Dear Mr. Swickard:

By written submittal dated February 12, 2002, and received by the Ohio Environmental Protection Agency (Ohio EPA) February 21, 2002, the St. Clair Township Trustees (Applicant) requested authorization to relocate waste and construct a roadway at the former city of East Liverpool Landfill located in St. Clair Township, Columbiana County, Ohio. The request, prepared by Dallis Dawson & Associates, on behalf of the St. Clair Township Trustees, was submitted pursuant to Rule 3745-27-13 of the Ohio Administrative Code (OAC), which requires authorization from the Director of Environmental Protection to engage in filling, grading, excavating, building, drilling, or mining on land where a hazardous waste facility or solid waste facility was operated.

Based upon a review of the document received by Ohio EPA on February 21, 2002, the proposed waste relocation and construction of a roadway will not result in a violation of applicable laws or regulations, will not create a nuisance, and is unlikely to adversely affect the public safety, human health, or the environment. Therefore, the Applicant is hereby authorized to perform the activities outlined in this letter in accordance with the submitted plans, specifications, and information.

This approval is subject to the following conditions:

**CONDITIONS**

1. This approval grants authorization for the Applicant to relocate waste and construct a roadway at the former City of East Liverpool Landfill, located in St. Clair Township, Columbiana County, in accordance with the request titled "McGuffey Drive

Bob Taft, Governor  
Maureen O'Connor, Lieutenant Governor  
Christopher Jones, Director

Application (OAC 3745-27-13)”, dated February 12, 2002. All activities must be conducted in strict accordance with the plans, specifications, and information submitted as part of the request. There may be no deviation from the approved plans without the express, written authorization of Ohio EPA. Any future activities on the facility may require additional Ohio EPA approval.

2. The Ohio EPA Northeast District Office (NEDO) Division of Solid and Infectious Waste Management (DSIWM) and the Columbiana County Health Department shall receive written notice not later than 72 hours prior to beginning waste relocation and construction of the roadway at this site.
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, surface water run-off, and protection of ground water.
4. All activities undertaken shall not create a nuisance and shall not adversely affect public safety, human health, or the environment.
5. All solid and/or hazardous wastes removed from the facility shall be containerized (e.g. roll-offs, drums) and securely stored until these materials are properly characterized and disposed in accordance with Chapter 3734 of the Ohio Revised Code (ORC) and regulations promulgated thereunder. Excavated materials may be reused as fill within the historical limits of waste placement of the former City of East Liverpool Landfill as noted in your request.
6. All liquids, semi-solids, industrial wastes, and other wastes regulated by ORC Chapter 6111 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 regulations promulgated thereunder.
7. Prior to any removal of waste or contaminated soil from the property, the Applicant shall submit to the Director of Environmental Protection copies of letters of acceptance from licensed disposal facilities for the waste or contaminated soils in accordance with OAC Rule 3745-27-13(C)(10).
8. The Applicant shall take measures to minimize the possible increase in subsurface infiltration due to disturbance of the closed landfill.
9. This authorization request includes detailed engineering plans related to the construction of a roadway. This approval grants authorization for the Applicant to fill, grade, excavate, build, drill, or mine the existing cap on the former City of East

Liverpool Landfill for the purpose of relocating waste and constructing a roadway at the former City of East Liverpool Landfill only. This authorization does not constitute approval of the engineering plans, as they relate to the actual construction of the roadway and its appurtenances, included as part of this request

10. Any portions of the landfill cap removed by activities authorized by this approval shall have a final cover system re-established in accordance with OAC Rule 3745-27-10, as effective July 29, 1976. Design and construction of the cap shall be in accordance with the specifications detailed in DSIWM guidance document number 0123, Standards for Current Construction of a 1976 Cap System.
  - a. Place the soil barrier layer and synthetic capping materials only when temperatures are 40° F or above, unless in accordance with a specific QA/QC plan which includes cold weather procedures submitted to, and concurred by, Ohio EPA.
  - b. Submit information documenting construction activities, including all laboratory and/or field data, to Ohio EPA, DSIWM-NEDO no later than 30 days following completion of authorized activities. The information shall include all components of the final cover system. The report shall document that material specifications have been met, adequate thickness of the cap has been placed, and that appropriate testing has been performed at the minimum specified frequencies.
11. Within 60 days of completing the relocation of waste and construction of the roadway, the St. Clair Township Trustees shall submit to Ohio EPA, DSIWM-NEDO as-built plans which certify construction of the roadway and relocation of waste, including exact locations of system components.
12. Pursuant to OAC Rule 3745-27-13 (H), this authorization shall terminate 18 months after its effective date unless:
  - a. The Applicant begins the activities outlined in this authorization; or
  - b. The Applicant has entered into a binding contractual obligation to undertake and complete the activities outlined in this authorization within 24 months of its effective date.
13. Nothing in this authorization shall be construed to authorize any waiver from any requirements of applicable state solid waste laws or regulations. This authorization shall not be interpreted to release the St. Clair Township Trustees 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 from the facility to the environment.

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 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 30 days after notice of the Director's action. Notice of the filing of the appeal shall be filed with the Director within three days after the appeal is filed with the commission. An appeal may be filed with the commission at the following address:

Environmental Review Appeals Commission  
236 East Town Street  
Room 300  
Columbus, Ohio 43215

Sincerely,



Christopher Jones  
Director

CJ/JWW/cl

cc: Murat Tukul, DSIWM-NEDO  
Scott Hester, DSIWM-CO  
Robert Morehead, Columbiana County Health Department  
Dallis Dawson, Dallis Dawson Associates