



State of Ohio Environmental Protection Agency

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Columbus, Ohio 43216-1049

Mr. Joe Kempe, Service Director  
City of St. Bernard  
110 Washington Avenue  
Cincinnati, OH 45217

**Re: City of St. Bernard Landfill, Hamilton County  
Ohio Administrative Code (OAC) Rule 3745-27-13 Authorization**

Dear Mr. Kempe:

On January 28, 2004, the Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM), Southwest District Office (SWDO), received a request titled *Application for Authorization to Engage in Cap Disturbance* from Civil & Environmental Consultants, Inc. on behalf of the City of St. Bernard (City). The City requested authorization, pursuant to OAC Rule 3745-27-13, to perform drilling, excavating, and other cap disturbance activities at the closed City of St. Bernard Landfill (Facility) located in Hamilton County.

Based upon a review of the document, I have determined, pursuant to OAC Rule 3745-27-13, that the proposed activities will not result in 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, the City is hereby authorized to perform the activities outlined in this letter in accordance with submitted plans, specifications, and information.

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

**CONDITIONS**

1. This approval grants authorization to perform drilling, excavating, and other cap disturbance activities at the Facility in accordance with the request, *Application for Authorization to Engage in Cap Disturbance*, dated January 28, 2004. 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 on the Facility may require additional Ohio EPA approval.

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2. Ohio EPA's SWDO and the City of St. Bernard Health Department shall receive written notice no later than 72 hours prior to commencement of the proposed 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. Any portions of the landfill where the cap is removed by activities authorized by this approval shall have the 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 0123, *Standards for Current Construction of a 1976 Cap System*.
6. All solid waste to be removed from the facility shall be containerized and securely stored until the materials are properly characterized and disposed in accordance with Chapter 3734 of the Ohio Revised Code (ORC) and the regulations promulgated thereunder.
7. Any wastes that are suspected or known to be hazardous and are removed from the limits of waste placement during the proposed activities shall be stored in accordance with ORC Chapter 3734 until they are properly characterized and treated or disposed. Any liquid wastes released during the proposed activities shall also be stored in accordance with ORC Chapter 3734 until they are properly characterized and treated or disposed.
8. 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.

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9. For the purposes of erosion control during all phases of construction and investigation at the landfill, the City shall use best management practices and standards as specified in the National Resource Conservation Service manual, *Rainwater and Land Development*.
  
10. Prior to any removal of waste or contaminated soil from the property, the City shall submit copies of sample analysis results, the treatment or disposal method selected, and a letter of acceptance from the disposal facility to Ohio EPA's SWDO pursuant to OAC Rule 3745-27-13(H)(4).
  
11. No excavation of waste 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.
  
12. Pursuant to OAC Rule 3745-27-13(H)(7), if 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 excavated areas.
  
13. The Director may revoke this authorization if the owner or operator violates, or is likely to violate, any applicable law or if the continued implementation of the approved plans causes a threat to public health or safety or the environment.
  
14. Pursuant to OAC Rule 3745-27-13(M)(1), this authorization shall terminate three years after its effective date if the City has not begun activities described herein, unless otherwise specified.
  
15. Nothing in this letter shall be construed to authorize any waiver from any requirements of applicable state solid waste laws or regulations. This letter shall not be interpreted to release the City from responsibility under 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

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contaminants 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 (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. It must be filed with the Commission within thirty (30) days after notice of the Director's action. A copy of the appeal must be served on the Director within three (3) days after filing with the Commission. An appeal may be filed with the Commission at the following address:

Environmental Review Appeals Commission  
309 South Fourth Street  
Room 222  
Columbus, Ohio 43215

If you have any questions regarding this authorization, please contact Russ Brown of Ohio EPA's SWDO at (937) 285-6649.

Sincerely,

Christopher Jones  
Director

CJ/MM/sw

cc: Tracy Buchanan, DSIWM, SWDO  
Russ Brown, DSIWM, SWDO  
Scott Hester, DSIWM, CO  
City of St. Bernard Health Department