



State of Ohio Environmental Protection Agency

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Mr. Timothy Hill, Administrator
Office of Environmental Services
Ohio Department of Transportation
P.O. Box 899
Columbus, Ohio 43216-0899

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

Dear Mr. Hill:

On May 20, 2004, the Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM), Central District Office (CDO) received a request titled OEPA Rule 13 Permit Application, Alum Creek Trail Extension, Alum Creek Drive to The Creeks Metro Park, dated February 13, 2004, from the Ohio Department of Transportation on behalf of the City of Columbus Recreation and Parks Department (City). The City requested authorization, pursuant to OAC Rule 3745-27-13, to construct a bridge abutment and multipurpose trail extension within an area surrounding the closed Franz Landfill (Facility). OAC Rule 3745-27-13 requires authorization from the director of Ohio EPA before engaging in filling, grading, excavating, building, drilling, or mining on land where a solid waste facility was operated.

The Facility is a former construction and demolition debris landfill that reportedly accepted municipal solid wastes and industrial wastes from at least 1971 to 1974. The site is located within The Creeks Metro Park, on the east bank of Alum Creek, in southeast Columbus, Franklin County.

Based upon a review of the information provided with the authorization request, 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 the submitted and approved plans, specifications, and information.

Bob Taft, Governor
Jennette Bradley, Lieutenant Governor
Christopher Jones, Director

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

CONDITIONS

1. This approval grants authorization to perform construction activities at the Facility in accordance with the document titled OEPA Rule 13 Permit Application, Alum Creek Trail Extension, Alum Creek Drive to The Creeks Metro Park, dated February 13, 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 at the Facility may require additional Ohio EPA approval.
2. The director of Ohio EPA, or an authorized representative of the director, may, at any time, inspect, conduct tests, or examine reports pertaining to the approved 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. Ohio EPA's CDO shall receive written notice no later than three (3) days prior to commencement of the proposed activities.
5. Any activities undertaken shall not create a nuisance and shall not adversely affect the public safety or health or the environment. The director may revoke this authorization if the City violates, or is likely to violate, any applicable law, or if the continued implementation of the approved plans causes a threat to the public health or safety or the environment.
6. 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 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 contaminant to the environment.

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You are hereby notified that this action of the director of Ohio EPA 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 of 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 Laura Parkinson of Ohio EPA's CDO at (614) 728-3889.

Sincerely,

Christopher Jones
Director

CJ/MM/sw

cc: Dale Harmon, Columbus Health Department, w/ attachments
Brad Westall, City of Columbus, Recreation and Parks Department
Scott Hester, DSIWM-CO, w/ attachments
Duane Snyder, DSIWM-CDO, w/ attachments