



State of Ohio Environmental Protection Agency

STREET ADDRESS:

MAILING ADDRESS:

Lazarus Government Center
122 S. Front Street
Columbus, Ohio 43215

TELE: (614) 644-3020 FAX: (614) 644-3184
www.epa.state.oh.us

P.O. Box 1049
Columbus, Ohio 43216-1049

The Honorable Richard Ellison
Village of Elmwood Place
6118 Vine Street
Elmwood Place, Ohio 45216

Mr. Jack Wachter
City of Cincinnati
Risk Management Division
805 Central Avenue, Suite 100
Cincinnati, Ohio 45202

**Re: Village of Elmwood Place Landfill, Hamilton County
Ohio Administrative Code (OAC) Rule 3745-27-13 Authorization**

Dear Mayor Ellison and Mr. Wachter:

On March 13, 2006, the Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM), Southwest District Office (SWDO) received a request titled *Request for Authorization under Rule OAC 3745-27-13 for Excavation, Grading, Relocation of Waste, and Installation of Leachate Collection Drain at the Closed Village of Elmwood Place Landfill Cincinnati, Hamilton County, Ohio*, pursuant to Ohio Administrative Code (OAC) Rule 3745-27-13, to engage in filling, grading, excavating, building, drilling, or mining activities at the closed Village of Elmwood Place Landfill (Facility) located in Hamilton County. This request was submitted by SCS Engineers, on behalf of the City of Cincinnati, Risk Management Division.

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, the City of Cincinnati proposes to excavate and relocate waste, grade, and install a retrofitted leachate collection toe drain.

Based upon a review of the request, I have determined, pursuant to OAC Rule 3745-27-13, that the proposed activities 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, the City of Cincinnati 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, the City of Cincinnati is subject to the following conditions:

Bob Taft, Governor
Jennette Bradley, Lieutenant Governor
Joseph P. Koncelik, Director

CONDITIONS

1. This approval grants authorization to conduct activities at the Facility in accordance with the document titled *Request for Authorization under Rule OAC 3745-27-13 for Excavation, Grading, Relocation of Waste, and Installation of Leachate Collection Drain at the Closed Village of Elmwood Place Landfill Cincinnati, Hamilton County, Ohio* only. All activities shall be conducted in strict accordance with the plans, specifications, and 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 seventy-two (72) hours prior to the start of activities associated with this authorization, the City of Cincinnati shall submit written notification, which specifies the anticipated date of work commencement, to Ohio EPA, SWDO and the Hamilton County General Health District.
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 runoff, and protection of ground water.
4. All on-site activities shall be performed in a manner that prevents migration of leachate, explosive gas, or 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 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 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, the City of Cincinnati shall submit copies of sample analysis results, the treatment or disposal method selected, and a copy of a letter of acceptance from the treatment or disposal facility to Ohio EPA, SWDO, pursuant to OAC Rule 3745-27-13(H)(4).

9. In accordance with OAC Rule 3745-27-13(H)(6), replacement of excavated waste shall only occur within previously existing horizontal and vertical limits of waste placement.
10. Not later than sixty (60) days after completing the activities authorized by this approval, the City of Cincinnati shall submit to Ohio EPA, SWDO a certification report in accordance with OAC Rule 3745-27-13(H)(10).
11. The City of Cincinnati shall take measures to minimize the potential for increased subsurface infiltration of surface water that may result from activities authorized by this action.
12. The City of Cincinnati shall take measures to control fugitive dust and other air emissions that may result from activities authorized by this action.
13. In accordance with OAC Rule 3745-27-13(M), this authorization shall terminate three (3) years after its effective date if the City of Cincinnati has not begun the activities authorized herein.
14. The Director may revoke this authorization if the City of Cincinnati violates, or is likely to violate, any applicable law or if continued implementation of the approved plans causes a threat to human health or safety or the environment.
15. Nothing in this letter shall be construed to authorize any waiver from any requirements of any applicable federal or state laws or regulations. This authorization shall not be interpreted to release the City of Cincinnati 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 to the environment.

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 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

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Room 222
Columbus, Ohio 43215

If you have any questions concerning this authorization, please contact Cheryl Allen of Ohio EPA, SWDO at (937) 285-6650.

Sincerely,

Joseph P. Koncelik
Director

JPK/CA/JS/sw

cc: Rick Thornberg, Cincinnati Health Department
Dave Nutini, Hamilton County General Health District
Tracy Buchanan, DSIWM, SWDO
Cheryl Allen, DSIWM, SWDO