



State of Ohio Environmental Protection Agency

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MAILING ADDRESS:

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

Robert Harrison  
City Manager  
City of Wyoming  
800 Oak Avenue  
Wyoming, OH 45215

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

Dear Mr. Harrison:

On February 27, 2007, the Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM), Southwest District Office (SWDO), received a request titled, "Application to Complete Soil Borings and Conduct General Maintenance Activities, City of Wyoming Closed Sanitary Landfill, OAC 3745-27-13." The document was submitted by Mr. Dennis Schucker of BHE Environmental, Inc., on behalf of the City of Wyoming (City). The request was submitted pursuant to OAC Rule 3745-27-13(D)(1), for specific drilling and general maintenance activities at the City of Wyoming Landfill (Facility), located on Oak Avenue in the City of Wyoming, Hamilton County. The Facility is a closed municipal solid waste disposal facility and has completed twenty (20) years of post-closure care.

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 requested to conduct the following activities:

1. Perform small-diameter soil borings to confirm the location and depth of waste placement;
2. Replace an existing drinking water fountain with a new fountain; and,
3. Repave the existing asphalt path as general maintenance of the existing Park facility.

Based upon a review of the request, I have determined, pursuant to OAC Rule 3745-27-13, that 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, the City and/or their appointed representative are hereby authorized to perform the activities outlined in this letter in accordance with the submitted plans, specifications, and information.

Robert Harrison

Ted Strickland, Governor  
Lee Fisher, Lieutenant Governor  
Chris Korleski, Director

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

### **CONDITIONS**

1. This approval grants authorization to conduct soil borings and general maintenance activities at the Facility in accordance with the request titled, "*Application to Complete Soil Borings and Conduct General Maintenance Activities, City of Wyoming Closed Sanitary Landfill, OAC 3745-27-13.*" All activities must 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.
2. Not later than seventy-two (72) hours prior to the start of activities associated with this authorization, the City 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 performed in a manner that prevents migration of leachate, explosive gas, or toxic gas from the Facility.
4. All activities undertaken shall not create a nuisance and shall not adversely affect public safety or health or the environment.
5. All solid 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.
6. 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.
7. Prior to any disposal of waste or contaminated soil from the Facility, the City 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, SWDO pursuant to OAC Rule 3745-27-13(H)(4).
8. Not later than sixty (60) days after completing the activities authorized by this approval, the City shall submit to Ohio EPA, SWDO a certification report in accordance with OAC Rule 3745-27-13(H)(10).
9. 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. Surface water control structures shall be constructed, as needed, to divert water around the construction site. For the purposes of erosion control during all phases of

construction at the Facility, the City shall use Best Management Practices (BMP) standards as specified in the National Resource Conservation Service manual titled, "*Rainwater and Land Development.*"

10. The City shall take measures to control fugitive dust and other air emissions that may result from activities authorized by this action.
11. In accordance with OAC Rule 3745-27-13(M), this authorization shall terminate three (3) years after its effective date if the City has not begun the activities authorized herein.
12. The Director may revoke this authorization if the City 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.
13. Nothing in this letter 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 City 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.

#### **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 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 which the Commission, in its discretion, may reduce if by affidavit you demonstrate 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 Environmental Review Appeals Commission at the following address:

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

If you have any questions concerning this authorization, please contact Holly Hillyer of Ohio EPA, SWDO at (937) 285-6072.

Sincerely,

Robert Harrison

Chris Korleski  
Director

cc: Scott Hester, DSIWM-CO  
Tracy Buchanan, DSIWM-SWDO  
Chuck DeJonckheere, Director, Hamilton County General Health District