



State of Ohio Environmental Protection Agency

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June 25, 2007

Mr. Jack Wachter  
Senior Environmental/Safety Specialist  
City of Cincinnati  
805 Central Avenue, Suite 100  
Cincinnati, Ohio 45202

**RE: CLOSED CENTER HILL LANDFILL, HAMILTON COUNTY  
OHIO ADMINISTRATIVE CODE RULE 3745-27-13 AUTHORIZATION**

Dear Mr. Wachter:

On January 10, 2007, the Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM), Southwest District Office (SWDO), received a document titled Request for Authorization Under Rule 13 For Drilling and Sewer Installation at the Closed City of Cincinnati Center Hill Landfill. The request was submitted pursuant to Ohio Administrative Code (OAC) Rule 3745-27-13 to engage in filing, grading, excavating, building, drilling, or mining activities at the closed Center Hill Landfill (Facility), located in Hamilton County. Revisions to the original document were received on April 19, 2007.

The Center Hill Landfill is a closed solid waste disposal facility located northeast of the junction of Este Avenue and Center Hill Road in Cincinnati, Hamilton County, Ohio. The landfill is currently in post-closure care.

OAC Rule 3745-27-13 requires authorization from the Director before filling, grading, excavating, building, drilling, or mining on land where a solid waste facility was operated. Specifically, the City of Cincinnati (City) requested authorization for the installation of a sewer line along Este Avenue inside and outside the limits of waste placement. Additional authorization will be required to do any additional development on the property.

Based upon a review of the document and subsequent revisions, I have determined that the proposed activities will not result in a violation of applicable laws and 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 plans, specifications, and information.

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

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

## CONDITIONS

1. This approval grants authorization for the placement of a sewer line along Este Avenue, City of Cincinnati, Hamilton County, in accordance with the request titled Request for *Authorization Under Rule 13 For Drilling and Sewer Installation at the Closed City of Cincinnati Center Hill Landfill* received January 10, 2007 and revised April 17, 2007. 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 the express, written approval of Ohio EPA. Any future activities 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 commencement, to Ohio EPA, SWDO and the Cincinnati City Health Department.
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 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 regulations promulgated thereunder.
7. 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 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 through this approval, the City shall submit to Ohio EPA, SWDO a certification report in accordance with OAC Rule 3745-27-13(H)(10).

9. The City shall take measures to minimize the potential for increased subsurface infiltration of surface water due to disturbance of the facility and other authorized activities.
10. The City shall take measures to control fugitive dust and other air emissions due to disturbance of the facility and other authorized activities.
11. In accordance with OAC Rule 3745-27-13(M), this authorization shall terminate three 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 the continued implementation of the approved plans causes a threat to human health or safety or the environment.
13. For purposes of erosion control during all phases of construction at the landfill, the City shall use Best Management Practices standards as specified in the manual titled Rainwater and Land Development prepared by the Ohio Department of Natural Resources, Division of Soil and Water Conservation.
14. 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 from the facility 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 Section 3745.04 of the Ohio Revised Code. 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:

Mr. Jack Wachter  
City of Cincinnati  
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Environmental Review Appeals Commission  
309 South Fourth Street, Room 222  
Columbus, Ohio 43215

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

Sincerely,

Chris Korleski  
Director

cc: Scott Hester, DSIWM-CO  
Cheryl Allen, DSIWM-SWDO  
Rick Thornburg, Cincinnati City Health Department

CK/br