



State of Ohio Environmental Protection Agency

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November 27, 2007

Mr. Adam Sackenheim
Regulatory Compliance Manager
Butler County Department of Environmental Services
130 High Street
Hamilton, Ohio 45011

**RE: Closed Woodsdale Road Sanitary Landfill, Butler County
Ohio Administrative Code (OAC) Rule 3745-27-13 Authorization Request**

Dear Mr. Sackenheim:

On September 26, 2007, the Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM), Southwest District Office (SWDO), received a request titled "Authorization 13: Request for Approval for Activities at Woodsdale Road Sanitary Landfill in Butler County", which was prepared by Butler County Department of Environmental Services. The Butler County Department of Environmental Services (BCDES), in conjunction with the Butler County Sheriff's Department, requested authorization to perform site improvement activities at the closed Woodsdale Road Sanitary Landfill (Facility) located in Butler County. The proposed activities involve the following:

1. Expansion of an existing gravel parking area; and
2. Construction of a new gravel pad for a mobile storage magazine.

Because the property was a formerly licensed solid waste landfill, the site is regulated under Ohio Administrative Code (OAC) Rule 3745-27-13(D)(1).

In a conversation on October 23, 2007, Ohio EPA communicated a deficiency regarding the September 26, 2007, document. On October 25, 2007, Ohio EPA, DSIWM, SWDO received a revised request, which addressed the previously mentioned deficiency.

Based upon a review of the September 26, 2007, document and the revised October 25, 2007, document, I have determined, pursuant to OAC Rule 3745-27-13, 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 BCDES is hereby authorized to perform the activities outlined in this letter in accordance with the submitted plans, specifications, and information.

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

As part of this authorization, Butler County Department of Environmental Services is subject to the following conditions:

CONDITIONS

1. This approval grants authorization to expand the existing gravel parking lot and to construct a new gravel pad for a mobile storage magazine in accordance with the request titled "Authorization 13: Request for Approval for Activities at Woodsdale Road Sanitary Landfill in Butler County," submitted September 26, 2007 and revised October 25, 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 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 BCDES shall submit written notification, which specifies the anticipated date of work commencement, to Ohio EPA, SWDO.
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, BCDES 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, BCDES 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, 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, BCDES shall use Best Management Practices (BMP) standards as specified in the National Resource Conservation Service manual titled Rainwater and Land Development.
10. BCDES 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 BCDES has not begun the activities authorized herein.
12. The Director may revoke this authorization if BCDES 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 BCDES 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 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:

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

If you have any questions concerning this authorization, please contact Pat Willoughby of Ohio EPA, SWDO at (937) 285-6648.

Sincerely,

Chris Korleski
Director

cc: Scott Hester, DSIWM-CO
Tracy Buchanan, DSIWM-SWDO
Pat Willoughby, DSIWM-SWDO

CK/HHH/plh