



State of Ohio Environmental Protection Agency

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P.O. Box 1049
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The Honorable William M. Grace
Mayor, City of Elyria
131 Court Street
Suite 301
Elyria, OH 44035

**RE: Elyria City (Garden Street) Landfill, City of Elyria, Lorain County
Ohio Administrative Code Rule 3745-27-13 Authorization**

Dear Mayor Grace:

On July 17, 2008, the Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM), Northeast District Office (NEDO), received a request titled **“Rule 13 Application: 3745-27-13 Request for Approval to Repair and Upgrade Underground Fuel Storage Tanks Systems”** with subsequent revisions submitted on September 26, 2008 and November 18, 2008. The request was submitted for the Elyria City (Garden Street) Landfill (Facility) pursuant to Ohio Administrative Code (OAC) Rule 3745-27-13(E) by the City of Elyria (City), Office of the Engineer. The landfill is located at 851 Garden Street, City of Elyria, Lorain County. This authorization will allow for repairs and upgrades to an existing underground storage tank (UST) system at the Central Maintenance Garage (CMG) which is located within the limits of solid waste placement at the landfill.

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 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 plans, specifications, and information.

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

CONDITIONS

1. This approval grants the City authorization to perform activities at the Facility in accordance with the request titled **“Rule 13 Application: 3745-27-13 Request for Approval to Repair and Upgrade Underground Fuel Storage Tanks Systems,”** received July 17, 2008, and revised on September 26, 2008, and November 18, 2008. All activities shall be conducted in strict accordance with the plans, specifications, and other information submitted as part of this

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

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 seven days prior to the start of activities associated with this authorization, the City of Elyria shall submit written notification to Ohio EPA, DSIWM, NEDO and the Elyria City Health District which specifies the anticipated date of work commencement for this project.
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. 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 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.
8. 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 pursuant to OAC Rule 3745-27-13(H)(4).
9. No boring or excavation of waste shall occur unless the excavated waste is replaced within previously existing horizontal and vertical limits of waste placement or is treated or disposed of at a licensed, permitted treatment or disposal facility, in accordance with ORC Chapter 3734 and the regulations promulgated thereunder.
10. Not later than sixty (60) days after completing the activities authorized by this approval, the City shall submit to Ohio EPA, DSIWM, NEDO a certification report in accordance with OAC Rule 3745-27-13(H)(10).
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 may cause a threat to human health or safety or the environment.

END OF CONDITIONS

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, 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 of Ohio EPA (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:

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

If you have any questions regarding this authorization, please contact Mr. Jerry Parker of Ohio EPA, NEDO at (330) 963-1186, or by e-mail at jerry.parker@epa.state.oh.us.

Sincerely,

Chris Korleski
Director, Ohio EPA

pc: Jennifer Kurko, DSIWM-NEDO
Scott Hester, DSIWM-CO
Mukund Moghe, City of Elyria
Kathryn Boylan, Elyria City Health District