



State of Ohio Environmental Protection Agency

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February 3, 2009

Christian J. Elliott
Ohio Soil Recycling, LLC
2101 Integrity Drive South
PO Box 09447
Columbus, Ohio 43209

**Re: Closed Anchor Landfill, Franklin County
Ohio Administrative Code (OAC) Rule 3745-27-13 Authorization**

Dear Mr. Elliott:

On December 19, 2008, the Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM), Central District Office (CDO) received a request titled "OAC 3745-27-13 Fill Request," dated December 17, 2008, from Ohio Soil Recycling, LLC (OSR). OSR submitted the request pursuant to OAC Rule 3745-27-13 in order to engage in filling, grading, excavating, building, drilling, or mining activities at the closed Anchor Landfill (Landfill) located in Franklin County. The Landfill is closed municipal solid waste that operated from approximately 1954 until 1972.

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, OSR proposes to place fill and grade in low-lying areas along the northern edge of the Landfill, as specified in the Zoning Clearance and Fill Plan contained in the request. Explosive gas monitoring wells will be repaired or replaced and maintenance will be performed on an overhead power line.

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, OSR 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, OSR is subject to the following conditions:

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

CONDITIONS

1. This approval grants OSR authorization to perform activities at the Landfill in accordance with the request titled "OAC 3745-27-13 Fill Request," received on December 19, 2008. All activities shall be conducted in strict accordance with the plans, specifications, and other 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 Landfill may require additional Ohio EPA approval.
2. The Director, or a representative authorized by the Director, may enter the Landfill at any time to make inspections, conduct tests, or examine records and reports pertaining to the authorized activities.
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 runoff and runoff, and protection of ground water.
4. All activities undertaken shall not create a nuisance and shall not adversely affect public safety or health or the environment.
5. No excavation of waste shall occur. If solid waste is encountered, Ohio EPA, DSIWM, CDO shall be notified immediately. All solid waste shall be properly disposed in accordance with Ohio Revised Code (ORC) Chapter 3734 and the regulations promulgated thereunder.
6. For the purpose of erosion control during all phases of construction at the Landfill, OSR shall notify Ohio EPA, Division of Surface Water, CDO, apply for a "Notice of Intent," and use best management practices and standards as specified by the Ohio Department of Natural Resources, Division of Soil and Water Conservation manual titled *Rainwater and Land Development*.
7. OSR shall take measures to control fugitive dust and other air emissions that may result from activities authorized by this action.
8. Each of the three explosive gas monitoring wells currently located along the northern boundary of the Landfill shall be extended vertically as soil is placed. Alternatively, if a well is damaged or requires removal as a result of construction complications, the well shall be repaired or replaced in the approximate area of the initial well prior to the next semiannual gas sampling event.

9. OSR shall maintain a positive slope throughout areas of the Landfill that are being filled to allow surface water to drain to the sedimentation basin east of the limits of waste placement.
10. In accordance with OAC Rule 3745-27-13(M), this authorization shall terminate three years after its effective date if OSR has not begun the activities authorized herein.
11. Not later than 60 days after completing the activities authorized through this approval, OSR shall submit to Ohio EPA, DSIWM, CDO a certification report in accordance with OAC Rule 3745-27-13(H)(10).
12. The Director may revoke this authorization if OSR 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.
13. Nothing in this letter shall be construed to authorize any waiver from the requirements of any applicable federal or state laws or regulations. This authorization shall not be interpreted to release OSR 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 (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. The appeal must be filed with the Commission within 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 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 Appeal Commission at the following address:

Christian J. Elliott
Ohio Soil Recycling, LLC
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Environmental Review Appeals Commission
309 South Fourth Street
Room 222
Columbus, Ohio 43215

If you have any questions, please contact Allan Hurtt of Ohio EPA, CDO at (614) 728-3889.

Sincerely,

Chris Korleski
Director

cc: Jeff Gibbs, Franklin County Health Department
Scott Hester, DSIWM-CO
Duane Snyder, DSIWM-CDO
Pete Mather, Pemoga Development Company