



State of Ohio Environmental Protection Agency

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February 24, 2009

Ms. Juliet Denniss  
Ohio Department of Transportation  
Office of Environmental Services  
1980 West Broad Street  
Columbus, Ohio 43223

**Re: Closed St. Bernard Landfill, Hamilton County  
Ohio Administrative Code (OAC) Rule 3745-27-13 Request**

Dear Ms. Denniss:

On January 20, 2009, the Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM), Southwest District Office (SWDO), received a request titled "3745-27-13 (Rule 13) Authorization Request Application, City of Saint Bernard Landfill, HAM-75-2.30, PID 76257, I-75 Mill Creek Expressway," prepared by Transystems Corporation, on behalf of the Ohio Department of Transportation, District 8 (ODOT). The document, dated December 2008, was submitted pursuant to OAC Rule 3745-27-13 in order to engage in filling, grading, excavating, building, drilling, or mining activities at the closed St. Bernard Landfill (Facility).

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, ODOT requested authorization to perform a geotechnical subsurface exploration (soil borings) at the Facility in the ODOT right-of-way near Interstate 75. The Facility is part of the Interstate 75 widening project that will extend from the Western Hills Viaduct northward to Paddock Road/SR 561.

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, ODOT and/or their appointed representative are 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, ODOT and/or their appointed representative are subject to the following conditions:

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

## CONDITIONS

1. This approval grants authorization to perform activities at the Facility in accordance with the request titled "3745-27-13 (Rule 13) Authorization Request Application, St. Bernard Landfill, HAM-75-2.30, PID 76257, I-75 Mill Creek Expressway," dated December 2008, only. 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 Facility may require additional Ohio EPA approval.
2. Ohio EPA, DSIWM, SWDO shall receive written notice not later than 72 hours prior to commencement of the proposed activities.
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 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.
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 removal of waste or contaminated soil from the Facility, ODOT and/or their appointed representative 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, DSIWM, SWDO pursuant to OAC Rule 3745-27-13(H)(4).
8. Not later than 60 days after completing the activities authorized by this approval, ODOT and/or their appointed representative shall submit to Ohio EPA, DSIWM, 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 runoff and runoff, and protection of ground water. Surface water control structures shall be constructed, as needed, to divert water around the construction site. For the purpose of erosion control during all phases of construction at the Facility, ODOT and/or their appointed representative shall 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.
10. ODOT and/or their appointed representative 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 ODOT or their appointed representative has not begun the activities authorized herein.
12. The Director may revoke this authorization if ODOT or their appointed representative violates, or is likely to violate, any applicable law or if 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 ODOT and/or their appointed representative 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

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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:

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,

Chris Korleski  
Director

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