



State of Ohio Environmental Protection Agency

**STREET ADDRESS:**

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**MAILING ADDRESS:**

P.O. Box 1049  
Columbus, OH 43216-1049

August 13, 2009

Brian R. Morehead, PE  
City Engineer  
City of Newark  
40 West Main Street  
Newark, OH 43055

**Re: Watson Road Landfill, Licking County  
Ohio Administrative Code (OAC) Rule 3745-27-13 Authorization**

Dear Mr. Morehead:

On July 1, 2009, the Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM), Central District Office (CDO) received a request from the City of Newark (City) to upgrade the ground water monitoring wells at the closed Watson Road Landfill (Facility). Pursuant to the Ohio Administrative Code (OAC) Rule 3745-27-13, the City must receive approval 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.

The submission included a plan sheet and a narrative that discussed all information required in OAC Rule 3745-27-13(E). The City plans to add three new ground water monitoring wells and repair two existing ground water monitoring wells along the northeast portion of the Facility. None of these wells is planned to exceed 25 feet in depth from the ground surface.

Based upon a review of the request, I have determined, pursuant to OAC Rule 3745-27-13, that 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 City is hereby authorized to perform the activities outlined in this letter in accordance with the submitted and approved plans, specifications, and information. This approval 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 "OAC 3745-27-13 Authorization Request City of Newark, Watson Road Landfill," received on July 2, 2009. 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. The Director, or a representative authorized by the Director, may enter the Facility 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. In accordance with OAC Rule 3745-27-13(M), this authorization shall terminate three (3) years after its effective date if the City has not begun the activities authorized herein.
7. Not later than sixty (60) days after completing the activities authorized through this approval, the City shall submit to Ohio EPA, DSIWM, CDO a certification report in accordance with OAC Rule 3745-27-13(H)(10).
8. 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.
9. 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 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 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 Appeals Commission at the following address:

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

c: Michael Leone, Burgess and Niple Ltd.  
Richele Piper, Licking County Health Department  
Duane Snyder, DSIWM/CDO

CK/AH/nsm Rule13RequestWatsonRd