

## **RE: Permitting of Borrow Areas**

Dear Operator,

The purpose of this letter is to bring to your attention issues involving the regulation of borrow areas at DSIWM regulated facilities. ODNR, Division of Mines and Reclamation (DMR) has the responsibility of regulating borrow areas. With respect to solid waste and C&DD landfills, there are two general borrow scenarios:

### **SOLID WASTE LANDFILLS**

- C Borrow from an area within the limits of excavation associated with a landfill unit. In this case the borrow area will be 'reclaimed' when the landfill unit is constructed and operated. The excavation is included in the closure cost estimate for financial assurance. Note that if the depth of the borrow area exceeds the limits of excavation approved in the permit, concurrence needs to be obtained from the Ohio EPA for the alteration, otherwise the owner or operator may not be authorized to begin operation of the disposal cell.
- C Borrow from an area which is not within the limits of excavation associated with a landfill unit. This would include areas identified for borrow, and areas associated with excavation for facility buildings or surface water management (financial assurance does not cover closure of these items).

### **C&DD LANDFILLS**

- C Borrow from an area within the active or inactive licensed disposal area. In this case the borrow area will be 'reclaimed' when the disposal cell is constructed and operated. The borrow area will be included in the financial assurance for the facility's closure when it becomes identified as an active licensed disposal area.
- C Borrow from an area which is not within the active or inactive licensed disposal area.

Because a key portion of DMR regulation addresses reclamation of the borrow area, DSIWM and DMR have determined that it is not necessary for those borrow areas within the disposal cell to be permitted by DMR. However, those borrow areas outside the disposal cell could require a permit from DMR.

Ohio Revised Code Section 1514 establishes when a borrow area is to be permitted. A permit is required if the borrow area meets the following criteria:

- C The material is excavated in a solid state from natural deposits.
- C The removal of the material exceeds a depth of 5 feet (this measurement is taken from the highest original surface elevation of the area to be excavated); or
- C More than one acre of land is excavated during twelve successive calendar months.

DSIWM recommends that you contact the appropriate DMR office identified on the attached map to review the regulatory status of your borrow areas and if you have any questions regarding the minerals permitting process. If you have a borrow area outside the disposal cell and the borrow area meets the criteria above, a permit is required. Although non-compliance with the permit requirement could risk disruption to your operation, it is the goal of DMR and DSIWM to bring the applicable facilities into compliance with these statutory requirements in an orderly and timely manner with a minimum of disruption to the operation of the facility. Your cooperation is appreciated.

Sincerely,

Dan Harris, Acting Chief  
Division of Solid & Infectious Waste Management

DH/AD/dk

enclosure: Map of DMR districts

cc: DSIWM CO/DO Managers (letter and copy of mailing labels)  
ODNR/DMR District Offices (letter and copy of mailing labels)