



State of Ohio Environmental Protection Agency

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Mr. Scott K. Herman, District Engineer
Cuyahoga Landfill, Inc.
P.O. Box 13680
Akron, Ohio 44334

**RE: Cuyahoga Regional Sanitary Landfill, Cuyahoga County
Ohio Administrative Code (OAC) Rule 3745-27-13 Authorization**

Dear Mr. Herman:

On March 19, 2004, 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 Authorization Application Cuyahoga Regional Sanitary Landfill from Civil and Environmental Consultants, Inc. on behalf of Cuyahoga Landfill, Inc. (CLI), a subsidiary of Waste Management, Inc. CLI requested authorization, pursuant to OAC Rule 3745-27-13, to install improvements to the leachate management system, explosive gas management system, and cover system at the closed Cuyahoga Regional Sanitary Landfill (Facility) located in Cuyahoga County. Ohio EPA, NEDO received a revision to the request on May 17, 2004.

OAC Rule 3745-27-13 requires authorization from the director of Ohio EPA before engaging in filling, grading, excavating, building, drilling, or mining on land where a solid waste facility was operated. Specifically, CLI requested authorization for the following activities: improvements to the leachate management system, installation of three (3) gas extraction wells, and placement of additional soil in the 1976 cap area to improve the cover system.

Based upon a review of the aforementioned 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, CLI is hereby authorized to perform the activities outlined in this letter in accordance with the submitted and approved plans, specifications, and information.

Bob Taft, Governor
Jennette Bradley, Lieutenant Governor
Christopher Jones, Director

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

CONDITIONS

1. This approval grants authorization to perform activities at the Facility in accordance with the document titled Rule 13 Authorization Application Cuyahoga Regional Sanitary Landfill, received March 19, 2004, and subsequent revisions received May 17, 2004. 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. All activities undertaken shall not create a nuisance and shall not adversely affect the public safety or health or the environment.
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. Prior to the use of the 150,000-gallon aboveground leachate storage tank, CLI shall obtain a permit-to-install from the Cleveland Department of Public Health and Welfare, Division of the Environment, Bureau of Air Pollution Control.
5. Not later than seven (7) days prior to the start of construction activities associated with this authorization, CLI shall submit written notification, which specifies the anticipated date of construction commencement, to Ohio EPA, NEDO and the Cuyahoga County Board of Health.
6. Not later than sixty (60) days after completing the activities authorized through this approval, CLI shall submit to Ohio EPA a certification report in accordance with OAC Rule 3745-27-13(H)(10).
7. If Ohio EPA, the Cleveland Department of Public Health and Welfare, Division of the Environment, Bureau of Air Pollution Control, or the Cuyahoga County Board of Health determines that odors or dust are causing a nuisance, CLI shall take all necessary steps including, but not limited to, the application of dust suppressants, soil cover, odor masking agents, and/or odor neutralizing agents, to address the nuisance.

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8. CLI shall modify and/or update the explosive gas monitoring activities, as necessary, to accommodate changing conditions at the Facility and in response to any comments provided by Ohio EPA, the Cleveland Department of Public Health and Welfare, Division of the Environment, Bureau of Air Pollution Control, or the Cuyahoga County Board of Health.
9. All solid 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.
10. Prior to any removal of waste or contaminated soil from the property, CLI 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, NEDO pursuant to OAC Rule 3745-27-13(H)(4),
11. All liquids, semi-solids, industrial wastes, and other wastes regulated by ORC Chapter 6111 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.
12. A six (6) inch layer of soil cover shall be applied to any exposed waste by the end of the working day. In no event shall solid waste be exposed for more than twenty-four (24) hours.
13. A twelve (12) inch layer of intermediate soil cover shall be applied to any exposed waste where activities are being suspended for more than seven (7) days.
14. In accordance with OAC Rule 3745-27-13(M), this authorization shall terminate three (3) years after its effective date if CLI has not begun the activities authorized herein.
15. Nothing in this letter shall be construed to authorize any waiver from any requirements of applicable state solid waste laws or regulations. This letter shall not be interpreted to release CLI 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.

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You are hereby notified that this action of the director of Ohio EPA 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. It must be filed with the Commission within thirty (30) days after notice of the director's action. A copy of the appeal must be served on the director within three (3) days after filing with the Commission. An appeal may be filed with the 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 Jerry Parker of Ohio EPA, NEDO at (330) 963-1186.

Sincerely,

Christopher Jones
Director

cc: Eric Adams, DSIWM-NEDO
Scott Hester, DSIWM-CO
Dane Tussel, Cuyahoga County Board of Health
Andrew Shoads, Cleveland Department of Public Health and Welfare

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