



State of Ohio Environmental Protection Agency

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Mr. James Kelly, Facilities Manager
AmQuip Corporation
777 Winks Lane
Bensalem, Pennsylvania 19020

**RE: Laidlaw Avenue Landfill, Hamilton County
Ohio Administrative Code (OAC) Rule 3745-27-13 Authorization**

Dear Mr. Kelly:

On May 28, 2004, the Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM), Southwest District Office (SWDO) received a request titled Rule 13 Authorization Application, Laidlaw Avenue Landfill Site, 925 Laidlaw Avenue, Cincinnati, Ohio 45217 from Partners Environmental Consulting, Inc. on behalf of AmQuip Corporation (AmQuip), a subsidiary of JLMM Holdings, LLC. AmQuip requested authorization, pursuant to OAC Rule 3745-27-13, to perform construction activities at the closed Laidlaw Avenue Landfill (Facility) located in Hamilton County. Ohio EPA, SWDO received an amended request on June 14, 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, AmQuip requested authorization to install additional structures at the Facility to support its crane rental business.

Based upon a review of the document, 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, AmQuip 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, AmQuip 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, Laidlaw Avenue Landfill

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

Site, 925 Laidlaw Avenue, Cincinnati, Ohio 45217, received May 28, 2004, and subsequent revisions received June 14, 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. Not later than seven (7) days prior to the start of activities associated with this authorization, AmQuip shall submit written notification, which specifies the anticipated date of commencement, to Ohio EPA, SWDO and the City of Cincinnati Health Department.
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. All on-site activities shall be performed in a manner that prevents migration of leachate, explosive gas, or toxic gas from the Facility.
5. All activities undertaken shall not create a nuisance and shall not adversely affect the public safety or health or the environment.
6. Any portions of the landfill where the cap is removed by activities authorized by this approval shall have the final cover system re-established in accordance with the following specifications:
 - A. Material specifications:
 1. 100% of the material particles shall pass a 10" screen, with no more than two (2) particles from a 50 cubic foot sample retained on a 6" screen;
 2. 95% of the material particles shall pass a 3" screen;
 3. 70% of the material particles shall pass the #10 sieve;
 4. The material that passes the #10 sieve (sand, silt, and clay fractions) shall be classified using the USDA textural classification chart as loam, sandy loam, silty loam, clay loam, silty clay, or sandy clay, or an acceptable alternative soil type.

B. Construction Specifications:

1. Compaction criteria

- a. The materials shall be compacted to at least 95% of the maximum Standard Proctor Density (ASTM D-698) or 90% of the maximum Modified Proctor Density (ASTM D-1557).
- b. The material shall be compacted using loose lifts, no greater than eight (8) inches thick prior to compaction.

2. The cap shall have a permeability no greater than 1×10^{-5} cm/sec.

C. Testing Specifications:

1. The suitability of the soils shall be determined prior to their intended use in cap construction. The following tests shall be performed on representative soil samples at least once for every 3,000 cubic yards of material intended for use.

- a. Sieve and hydrometer testing (ASTM D-422) for particle size gradation; and
- b. Moisture/density relationship using either Standard Proctor (ASTM D-698) or Modified Proctor (ASTM D-1557) method.

Prior to testing, the samples shall be screened to remove any particles larger than three (3) inches. Results of this testing shall be made available to Ohio EPA, SWDO not later than seven (7) days prior to its intended use in cap construction.

2. During construction of the cap, compaction shall be monitored to ensure that the proper specifications are met. This can be accomplished by a number of methods, including nuclear densimeter (ASTM D-2922), sand cone (ASTM D-1556), and rubber balloon (ASTM D-2167). The nuclear densimeter test, if used, shall be performed at least five (5) times per acre per lift. The sand cone or rubber balloon methods shall be performed at least three times per acre per lift. The sampling rate for other methods must be determined on an individual basis.

3. Upon completion of construction, the permeability of the cap shall be determined through either field permeability testing (Boutwell two-stage permeameter, SDRI) or through laboratory testing of cap samples brought to the lab for analysis (Shelby tubes, soil blocks). The permeability requirements for each type of permeability determination are as follows:
 - a. For field permeability tests (Boutwell, SDRI), the required permeability of the cap is 1×10^{-5} cm/sec.
 - b. For laboratory permeability tests (Shelby tubes, soil blocks), the required permeability of the cap is 1×10^{-6} cm/sec.
 4. Any penetrations into the cap layer resulting from either compaction or permeability testing shall be repaired using bentonite or a bentonite/soil mixture.
7. All solid 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.
8. 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 regulations promulgated thereunder.
9. Prior to any removal of waste or contaminated soil from the property, AmQuip 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, SWDO, pursuant to OAC Rule 3745-27-13(H)(4).
10. For the purposes of erosion control during all phases of construction and investigation of the landfill, AmQuip shall use best management practices and standards as specified in the National Resources Conservation manual titled Rainwater and Land Development.
11. No excavation of waste shall occur unless the excavated waste is replaced within previously existing horizontal and vertical limits of waste placement or is treated or disposed of at a licensed, permitted treatment or disposal facility, in accordance with

ORC Chapter 3734 and the regulations promulgated thereunder.

12. If excavation occurs outside the limits of waste placement at the Facility, AmQuip shall not use material consisting of solid or hazardous waste to backfill the excavated areas.
13. Not later than sixty (60) days after completing the activities authorized through this approval, AmQuip shall submit to Ohio EPA a certification report in accordance with OAC Rule 3745-27-13(H)(10).
14. In accordance with OAC Rule 3745-27-13(M), this authorization shall terminate three (3) years after its effective date if AmQuip has not begun the activities authorized herein.
15. The director may revoke this authorization if AmQuip violates, or is likely to violate, any applicable law or if the continued implementation of the approved plans causes a threat to human health or safety or the environment.
16. 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 AmQuip from responsibility under ORC Chapters 3704, 3714, 3734, or 6111; under the Federal Clean Water Act, the Resource Conservation and Recovery 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.

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

Mr. James Kelly, Facilities Manager
AmQuip Corporation
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If you have any questions regarding this authorization, please contact Holly Hillyer of Ohio EPA, SWDO at (937) 285-6072 or Russell Brown at (937) 285-6649.

Sincerely,

Christopher Jones
Director

CJ/MM/sw

cc. Tracy Buchanan, DSIWM-SWDO
Holly Hillyer, DSIWM-SWDO
Scott Hester, DSIWM-CO
Richard Thornburg, City of Cincinnati Health Department