



State of Ohio Environmental Protection Agency

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Mr. Jack Wachter  
Senior Environmental/Safety Specialist  
City of Cincinnati, Office of Environmental Management  
805 Central Avenue, Suite 610  
Cincinnati, Ohio 45202

**Re: Village of Elmwood Place Landfill, Hamilton County  
Ohio Administrative Code (OAC) Rule 3745-27-13 Authorization**

Dear Mr. Wachter:

On October 26, 2004, the Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM), Southwest District Office (SWDO) received a request titled Request for Authorization Under Rule OAC 3745-27-13 for Excavation, Grading, Relocation of Waste, Drilling and Well Installation at the Closed Village of Elmwood Place Landfill from SCS Engineers on behalf of the City of Cincinnati (City), pursuant to OAC Rule 3745-27-13, to engage in filling, grading, excavating, building, drilling, or mining activities at the closed Village of Elmwood Place Landfill (Facility) located in Hamilton County. The City requested to drill investigative boreholes and install monitoring wells at the Facility, as well as perform improvements to the leachate management system, explosive gas management system, and cover system.

Ohio EPA, SWDO received a revision on November 16, 2004, which contained additional information and amended the original October 26, 2004, request to only include drilling of investigative boreholes and installation of monitoring wells.

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, the City requested authorization for the following activities: installation of six (6) initial borings and then additional borings and ground water monitoring wells, as needed, based on the results of the first six borings.

Based upon a review of the revised 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, the City is hereby authorized to perform

Bob Taft, Governor  
Jennette Bradley, Lieutenant Governor  
Joseph P. Koncelik, Director

the activities outlined in this letter in accordance with submitted and approved plans, specifications, and information.

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

### **CONDITIONS**

1. This approval grants authorization to perform activities at the Facility in accordance with the revised document titled Request for Authorization Under Rule OAC 3745-27-13 for Excavation, Grading, Relocation of Waste, Drilling and Well Installation at the Closed Village of Elmwood Place Landfill, received on November 16, 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. Not later than seven (7) days prior to the start of construction activities associated with this authorization, the City shall submit written notification, which specifies the anticipated date of construction commencement, to Ohio EPA, SWDO and the Hamilton County Board of Health.
5. Not later than sixty (60) days after completing the activities authorized by this approval, the City shall submit to Ohio EPA, SWDO a certification report in accordance with OAC Rule 3745-27-13(H)(10).
6. The City shall construct surface water controls, as needed, to divert water around the construction site.
7. The City shall monitor for explosive gas and 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 or the Hamilton County Board of Health. The City shall update its monitoring plan to reflect any changes to explosive gas monitoring activities no later than sixty (60) days after completion of the activities associated with this authorization.

8. All solid and 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.
9. Prior to any removal of waste or contaminated soil from the property, the City 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. 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.
11. The City shall apply a six (6) inch layer of soil cover to any exposed waste by the end of each working day. In no event shall solid waste be exposed for more than twenty-four (24) hours.
12. The City shall apply a twelve (12) inch layer of intermediate soil cover to any exposed waste where activities authorized by this action are being suspended for more than seven (7) days.
13. 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.
14. 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 the City 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.
15. The director may revoke this authorization if the City violates, or is likely to violate, any applicable law or if continued implementation of the approved plans causes a threat to human health or safety or 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

Mr. Jack Wachter  
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309 South Fourth Street  
Room 222  
Columbus, Ohio 43215

If you have any questions regarding this authorization, please contact Cheryl Allen of Ohio EPA, SWDO at (937) 285-6357.

Sincerely,

Joseph P. Koncelik  
Director

JPK/CA/MM/sw

cc: Dave Nutini, Hamilton County Board of Health  
Tracy Buchanan, DSIWM-SWDO  
Cheryl Allen, DSIWM-SWDO  
Scott Hester, DSIWM-CO