



State of Ohio Environmental Protection Agency

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

Ms. MaryLynn Lodor
Butler County Department of Environmental Services
130 High Street
Hamilton, Ohio 45011

**Re: Woodsdale Landfill, Butler County
Ohio Administrative Code (OAC) Rule 3745-27-13 Authorization**

Dear Ms. Lodor:

On May 2, 2006, the Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM), Southwest District Office (SWDO) received a request from the Butler County Department of Environmental Services (BCDES), submitted pursuant to Ohio Administrative Code (OAC) Rule 3745-27-13, to engage in filling, grading, excavating, building, drilling, or mining activities at the closed Woodsdale Landfill (Facility) located in Butler County.

OAC Rule 3745-27-13 requires authorization 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. Specifically, BCDES proposes to conduct a geotechnical investigation on Cell 2 of the Facility to determine the stability of the waste and cover and the feasibility of constructing a solid waste transfer station on the Facility.

Based upon a review of the 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, BCDES 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, BCDES is subject to the following conditions:

CONDITIONS

1. This approval grants authorization to conduct geotechnical investigation activities at the Facility in accordance with the request dated April 28, 2006, only. All activities shall be conducted in strict accordance with the plans, specifications, and 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

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Joseph P. Koncelik, Director

require additional Ohio EPA approval.

2. Not later than seventy-two (72) hours prior to the start of activities associated with this authorization, BCDES shall submit written notification, which specifies the anticipated date of work commencement, to Ohio EPA, SWDO.
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 runoff, 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 public safety or health or the environment.
6. All solid and/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.
7. 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 the regulations promulgated thereunder.
8. Prior to any removal of waste or contaminated soil from the Facility, BCDES shall submit copies of sample analysis results, the treatment or disposal method selected, and a copy of a letter of acceptance from the treatment or disposal facility to Ohio EPA, SWDO pursuant to OAC Rule 3745-27-13(H)(4).
9. Not later than sixty (60) days after completing the activities authorized by this approval, BCDES shall submit to Ohio EPA, SWDO a certification report in accordance with OAC Rule 3745-27-13(H)(10).
10. BCDES shall take measures to minimize the potential for increased infiltration of surface water that may result from activities authorized by this action.
11. In accordance with OAC Rule 3745-27-13(M), this authorization shall terminate three (3) years after its effective date if BCDES has not begun the activities authorized herein.
12. The Director may revoke this authorization if BCDES 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.

13. Nothing in this letter shall be construed to authorize any waiver from any requirements of applicable federal or state laws or regulations. This authorization shall not be interpreted to release BCDES or others 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.

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 thirty (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 (3) days after the appeal is filed 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 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 letter, please contact Maria Lammers of Ohio EPA, SWDO at (937) 285-6046.

Sincerely,

Joseph P. Koncelik
Director

cc: Scott Hester, DSIWM, Central Office
Tracy Buchanan, DSIWM, SWDO