



State of Ohio Environmental Protection Agency

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April 21, 2008

Julie A. Blair
Assistant Director of Law
Northeast Ohio Regional Sewer District
3900 Euclid Avenue
Cleveland, OH 44115-2506

**Re: Warner Hill Landfill, Cuyahoga County
Vista Branch Connection Sewer Contract
Ohio Administrative Code Rule 3745-27-13 Authorization**

Dear Ms. Blair:

On February 27, 2008, the Ohio Environmental Protection Agency (Ohio EPA) received a request titled "*Application for Authorization pursuant to Rule 13 to Engage in Filling, Grading, Excavating, Building, Drilling or Mining for the Vista Branch Connection Sewer Contract*" dated February 27, 2008. The request was submitted pursuant to Ohio Administrative Code (OAC) Rule 3745-27-13(D)(1) by Wade Trim, an environmental consulting company, on behalf of Northeast Ohio Regional Sewer District (NEORSD).

This authorization will allow NEORSD to reroute the Vista Branch Sewer in response to the extensive failure of several thousand feet of the Mill Creek Interceptor which the sewer discharges into downstream of the current project location. The installation of 625 linear feet of 24-inch diameter PVC sewer line will remedy combined sewer overflows currently occurring in Mill Creek at both a temporary bypass pump station and immediately upstream of the collapsed section. The authorization also allows the waste placement and capping of solid waste that was discovered in a Cleveland Electric Illuminating utility right of way which is adjacent to the east side of the Warner Hill Landfill. The rerouted sewer is being installed on the east side of the landfill and will replace the existing sewer which passes beneath the landfill. Engineering controls include storm water control and restoration of disturbed areas within the landfill footprint and re-establishment of any final cap removed as a result of activities. The municipal solid waste landfill closed in 1980.

Based upon a review of the document, I have determined 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, pursuant to OAC Rule 3745-27-13, NEORSD is hereby authorized to perform the activities outlined in this letter in accordance with the submitted and approved plans, specifications, and information.

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

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

CONDITIONS

1. This approval grants NEORSD authorization to perform activities at the Facility in accordance with the document titled "*Application for Authorization pursuant to Rule 13 to Engage in Filling, Grading, Excavating, Building, Drilling or Mining for the Vista Branch Connection Sewer Contract*", received February 27, 2008. 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. Ohio EPA, Northeast District Office (NEDO), Division of Solid and Infectious Waste Management and the Cuyahoga County Health Department shall receive written notice not later than seventy-two (72) hours prior to commencement of the proposed activities.
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 runoff 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 the public safety or health or the environment.
6. All solid waste 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 regulations promulgated thereunder.
8. Prior to any removal of waste or contaminated soil from the property, NEORSD 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 pursuant to OAC Rule 3745-27-13(H)(4).

9. For the purposes of erosion control during this project, NEORSD shall use best management practices and standards as specified in the National Resources Conservation manual titled Rainwater and Land Development prepared by the Ohio Department of Natural Resources Division of Soil and Water Conservation.
10. No boring or 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. In no event shall waste be placed at any elevation lower than existing waste elevations at any given location.
11. Not later than sixty (60) days after completing the activities authorized through this approval, NEORSD shall submit to Ohio EPA a certification report in accordance with OAC Rule 3745-27-13(H)(10).
12. In accordance with OAC Rule 3745-27-13(M), this authorization shall terminate three years after its effective date if NEORSD has not begun the activities authorized herein.
13. The director may revoke this authorization if NEORSD 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.
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 NEORSD 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 pursuant to Section 3745.04 of the Ohio Revised Code. 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 of filing 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 Environmental Review Appeals Commission at the following address:

Julie A. Blair
Northeast Ohio Regional Sewer District
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Environmental Review Appeals Commission
309 South Fourth Street, Room 222
Columbus, Ohio 43215

If you have any questions regarding this authorization, please contact Mr. Jerry Parker of Ohio EPA, NEDO at (330) 963-1186 or by e-mail at jerry.parker@epa.state.oh.us.

Sincerely,

Chris Korleski
Director

pc: Murat Tukul, DSIWM-NEDO
Sandy Cappotto, DSW-NEDO
Scott Hester, DSIWM-CO
Colin Johnson, Cuyahoga County Health Department