



John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

OHIO E.P.A.

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CERTIFIED

October 1, 2013

Ms. Juliet Denniss
Ohio Department of Transportation
Office of Environmental Services
1980 West Broad Street
Columbus, Ohio 43223

I certify this to be a true and accurate copy of the official documents as filed in the records of the Ohio Environmental Protection Agency.

By: Doug Casseler Date: 10-1-13

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

Dear Ms. Denniss:

On February 27, 2013, the Ohio Environmental Protection Agency (Ohio EPA), Division of Materials and Waste Management (DMWM), Southwest District Office (SWDO), received a request, dated February 22, 2013, titled "3745-27-13 (Rule 13) Authorization Request Application, Modification to Former Laidlaw Avenue Landfill, HAM-75-7.85, PID77889". The document was submitted in accordance with OAC Rule 3745-27-13 by EMH&T, on behalf of the Ohio Department of Transportation (ODOT), for the former Laidlaw Avenue Landfill (Facility), and was subsequently revised in a request dated May 23, 2013, and received by Ohio EPA, SWDO on July 25, 2013.

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. ODOT is requesting authorization for activities associated with widening the I-75 roadbed to four lanes in both directions, including grading, compaction, paving, and installation of drainage infrastructure. Because the property was formerly a licensed solid waste landfill, the site is regulated under OAC Rule 3745-27-13(D)(1).

Based upon a review of the request, I have determined, pursuant to OAC Rule 3745-27-13, that the proposed activities, if conducted in accordance with the request, as submitted on February 27, 2013 and as revised May 23, 2013 and the following conditions, will not result in violation of applicable laws and regulations, will not create a nuisance, and are unlikely to adversely affect public safety, health or the environment. Therefore, ODOT and/or its appointed representative are hereby authorized to perform

the proposed activities outlined in this letter in accordance with the plans, specifications, and information submitted as part of this request.

As part of this authorization, ODOT and/or its appointed representative are subject to the following conditions:

CONDITIONS

1. This approval grants authorization to perform activities at the Facility in accordance with the request titled "3745-27-13 (Rule 13) Authorization Request Application Revised, Modifications to Former Laidlaw Avenue Landfill HAM 75-7.85 PID No. 77889", as submitted on February 27, 2013 and as revised May 23, 2013. 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 seventy-two (72) hours prior to the start of the activities associated with this authorization, ODOT shall submit written notification, which specifies the anticipated date of commencement, to Ohio EPA, DMWM, SWDO and 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. Surface water control structures shall be constructed, as needed, to divert water around the construction site.
4. ODOT and/or its appointed representative shall take measures to minimize the potential for increased infiltration of surface water that may result from activities approved by this authorization. For the purpose of erosion control during all phases of construction at the Facility, ODOT and/or its appointed representative shall use best management practices and standards as specified in the ODOT manual titled *Supplemental Specification 832, Temporary Sediment and Erosion Control*.
5. All on-site activities shall be performed in a manner that prevents migration of leachate, explosive gas, or toxic gas from the Facility.
6. ODOT and/or its appointed representative shall take measures to control fugitive dust and other air emissions that may result from activities authorized by this approval.
7. All activities undertaken shall not create a nuisance and shall not adversely affect public safety or health or the environment.
8. 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 of in accordance with Ohio Revised Code (ORC) Chapter 3734 and the regulations promulgated thereunder.

9. 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 of in accordance with ORC Chapter 6111 and the regulations promulgated thereunder.
10. No boring or excavation 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.
11. If boring or excavation occurs outside the limits of waste placement at the Facility, ODOT and/or its appointed representative shall not use material consisting of solid or hazardous waste to backfill the bored or excavated areas.
12. Prior to any removal of waste or contaminated soil from the Facility, ODOT and/or its appointed representative 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, DMWM, SWDO, pursuant to OAC Rule 3745-27-13(H)(4).
13. Not later than sixty (60) days after completing the activities authorized by this approval, ODOT and/or its appointed representative shall submit to Ohio EPA, DMWM, SWDO, 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 ODOT and/or its appointed representative has not begun the activities authorized herein.
15. In accordance with OAC Rule 3745-27-13(K), the Director may revoke this authorization if ODOT and/or its appointed representative violates, or is likely to violate, any applicable law or if continued implementation of the approved plans may cause a threat to human health or safety or the environment.
16. Nothing in this letter shall be construed to authorize any waiver from the requirements of any applicable federal or state laws or regulations. This authorization shall not be interpreted to release ODOT, their appointed representative, or others 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.

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 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 made payable to "Treasurer, State of Ohio." The Commission, in its discretion, may reduce the fee if by affidavit it is demonstrated 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:

Environmental Review Appeals Commission
77 South High St., 17th Floor
Columbus, Ohio 43215

If you have any questions concerning this authorization, please contact Betty Arthungal or Tracy Buchanan of Ohio EPA, DMWM-SWDO at (937) 285-6357.

Sincerely,



Scott J. Nally
Director

cc: Keith Smith, ODOT
Tracy Buchanan, DMWM-SWDO
Betty Arthungal, DMWM-SWDO
Rick Thornburg, City of Cincinnati Health Department