



Mike DeWine, Governor  
Jon Husted, Lt. Governor  
Laurie A. Stevenson, Director

**MARCH 27, 2019**

Mayor Anthony Tagliatti  
City of Independence  
6800 Brecksville Road  
Independence, Ohio 44131

Re: Rockside Road Landfill  
Director's Authorization  
Approval  
Industrial Solid Waste Landfills  
Cuyahoga County  
ISWL023055

Re: Rockside Road Landfill  
Non-Permit Related Exemption  
Approval  
Industrial Solid Waste Landfills  
Cuyahoga County  
ISWL023055

**Subject: Rockside Road Landfill, Cuyahoga County  
Ohio Administrative Code (OAC) Rule 3745-27-13 Authorization**

Dear Mayor Tagliatti:

Ohio EPA MAR 27 '19  
Entered Directors Journal

On November 7, 2018, the Ohio Environmental Protection Agency (Ohio EPA), Northeast District Office (NEDO), Division of Materials and Waste Management (DMWM) received a request, dated November 7, 2018, and as revised through February 11, 2019, titled Rule 13 Authorization Request, Rockside Woods Boulevard Extension, Rockside Road Land Reclamation Landfill, Cuyahoga County, Ohio (Request). The Request was submitted in accordance with Ohio Administrative Code (OAC) Rule 3745-27-13(E) by Donald Bohning & Associates, on behalf of the City of Independence (City), for the closed Rockside Road Landfill (Facility) located in the City of Independence, Ohio.

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. The Facility operated as an industrial solid waste landfill until 1984. Specifically, the City is requesting to extend Rockside Woods Boulevard and install associated utilities partially within the footprint of waste placement. The proposed work will include filling and grading of clean soils, some excavating and relocation of waste within the horizontal limits of waste placement, cap construction, roadway construction, and storm water utility installation.

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 November 7, 2018, and as revised through February 11, 2019, 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 or health or the environment. Therefore, the City is hereby authorized to perform the activities outlined in this letter in accordance with the plans, specifications, and information submitted as part of the Request.

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

### **CONDITIONS**

#### General Conditions:

1. This approval grants authorization to perform activities at the Facility in accordance with the Request as submitted on November 7, 2018, and last revised on February 11, 2019. All activities shall be conducted in strict accordance with the plans, specifications, and other information submitted as part of the 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 72 hours prior to the start of the activities associated with this authorization, the City shall submit written notification, which specifies the anticipated date of commencement, to Ohio EPA, NEDO, DMWM and the Cuyahoga County Board of Health.
3. Access shall be allowed at the Facility to the director or a representative authorized by the director at any time to make inspections, conduct tests, or examine records and reports pertaining to the authorized activities.
4. 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.

#### Operational Conditions:

#### OAC Rule 3745-27-13(H)(4)

5. Any solid and/or hazardous waste to be removed from the Facility shall be collected 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.

6. Prior to any disposal of waste or contaminated soil from the Facility, 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, NEDO, DMWM pursuant to OAC Rule 3745-27-13(H)(4).

ORC Chapter 6111

7. Any liquids, semi-solids, industrial wastes, and other wastes regulated by ORC Chapter 6111 that are removed during intrusive activities shall be collected and securely stored until these materials are properly characterized and disposed of in accordance with ORC Chapter 6111 and the regulations promulgated thereunder.

OAC Rule 3745-27-13(J)

8. All on-site activities shall be performed in a manner that:
  - a. Prevents migration of leachate, explosive gas, or toxic gas from the Facility;
  - b. Does not create a nuisance or adversely affect public safety or health or the environment;
  - c. Controls fugitive dust and other air emissions; and
  - d. Minimizes the potential for increased infiltration of surface water.
9. For the purposes of erosion control, the City 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 & Water Conservation.

OAC Rule 3745-27-13(H)(6)

10. No boring or excavation shall occur within the limits of waste placement unless any excavated waste is replaced within previously existing 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.

OAC Rule 3745-27-13(H)(7)

11. If boring or excavation occurs outside the limits of waste placement at the Facility, the City shall not use material consisting of solid waste or hazardous waste to backfill the bored or excavated areas.

OAC Rule 3745-27-13(H)(10)

12. Not later than 60 days after completing the activities authorized through this approval, the City shall submit to Ohio EPA, NEDO, DMWM a certification report in accordance with OAC Rule 3745-27-13(H)(10).

OAC Rule 3745-27-13(M)

13. This authorization shall terminate three years after its effective date if the City has not begun the activities authorized herein.

OAC Rule 3745-27-13(O)

14. 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 may cause a threat to human health or safety or the environment.

Special Conditions:

15. Any portions of the Facility where the final cover system is removed or damaged by activities conducted pursuant to this authorization shall have the final cover system reestablished in accordance with Section 4.11 of the Request, Restoration of Final Cap.

**END OF CONDITIONS**

**EXEMPTION FROM OAC RULE 3745-27-13(H)(6)**

Pursuant to ORC Section 3734.02(G) and OAC Rule 3745-27-03(B), the director may, by order, exempt any person generating, collecting, storing, treating, disposing of, or transporting solid wastes, including scrap tires, from any requirement of ORC Chapter 3734 or any rules adopted thereunder if granting the exemption is unlikely to adversely affect public health, safety, or the environment.

The City has requested an exemption from OAC Rule 3745-27-13(H)(6) which states that no excavation of waste shall occur unless the excavated waste is replaced within the 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 Chapter 3734 of the Revised Code and the regulations promulgated thereunder. The City proposes to increase the vertical limits of waste placement along an embankment by relocating waste from areas of utility and roadway construction.

Ohio EPA has reviewed the request and has determined that, because the relocation of waste materials will occur within the previously existing horizontal limit of waste placement and final cover system will be re-established over the relocated waste

materials in accordance with the conditions of this authorization, granting the City an exemption to relocate waste material above the previously existing vertical limits of waste placement is unlikely to adversely affect the public health or safety of the environment. Therefore, pursuant to ORC Section 3734.02(G) and OAC 3745-27-03(B), the City is hereby exempted from the requirement of OAC Rule 3745-27-13(H)(6) as it applies to the placement of waste materials above the existing vertical limits of waste placement during the performance of activities describe in the Request, provided that the City strictly complies with all conditions of this authorization. This exemption shall remain in effect throughout the effective period of this authorization unless otherwise revoked.

#### **END OF EXEMPTION**

Nothing in this letter shall be construed to authorize any waiver from the requirements of any applicable federal or state laws or regulations except as specified herein. This authorization 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, 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.

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:

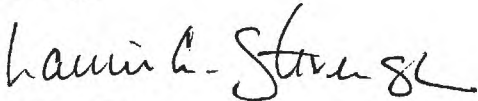
Environmental Review Appeals Commission  
30 East Broad Street, 4<sup>th</sup> Floor  
Columbus, Ohio 43215



Rockside Road Landfill  
OAC Rule 3745-27-13  
Page 6 of 6

If you have any questions regarding this authorization, please contact Karen Naples of Ohio EPA, NEDO at (330) 963-1244.

Sincerely,

A handwritten signature in black ink, appearing to read "Laurie A. Stevenson". The signature is fluid and cursive, with the first name "Laurie" and last name "Stevenson" clearly distinguishable.

Laurie A. Stevenson  
Director

LAS:KN

ec: Jarnal Singh, Ohio EPA, NEDO, DMWM  
Jeremy Carroll, Ohio EPA, Central Office, DMWM  
Todd Sciano, Donald Bohning & Associates  
Dane Tussel, Cuyahoga County Board of Health