



John R. Kasich, Governor
Mary Taylor, Lt. Governor
Craig W. Butler, Director

OHIO E.P.A.

DEC 29 2014

ENTERED DIRECTOR'S JOURNAL

DEC 29 2014

Ohio Department of Transportation
Attn: Brian S. Tatman
Environmental Coordinator
400 E. William Street
Delaware, OH 43015

Re: New Columbus Landfill
Director's Authorization
Approval
Municipal Solid Waste Landfill
Franklin County
MSWL020727

**Subject: New Columbus Landfill, Franklin County
Ohio Administrative Code (OAC) Rule 3745-27-13 Authorization**

Dear Mr. Tatman:

On October 30, 2014, the Ohio Environmental Protection Agency (Ohio EPA), Division of Materials and Waste Management (DMWM), Central District Office (CDO), received a request, dated October 27, 2014, titled *OAC 3745-27-13 (Rule 13) Permit Application For Alum Creek Drive Improvements Phase II ESA New Columbus Landfill (NCL) located at 2181 Alum Creek Drive Columbus, OH*. The document was submitted in accordance with OAC Rule 3745-27-13(E) by TranSystems, Inc., on behalf of Ohio Department of Transportation (ODOT), for the closed New Columbus Landfill (Facility).

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 permission to conduct drilling at the Facility. An area along Alum Creek Drive is being investigated for the presence of solid waste. The Facility operated as a municipal solid waste landfill from 1971 to 1979.

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 October 30, 2014 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, ODOT is hereby authorized to perform the 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 is subject to the following conditions:

CONDITIONS

1. This approval grants authorization to perform activities at the Facility in accordance with the request as submitted on October 30, 2014. 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, CDO and Columbus Public Health.
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. 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. Any 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.
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 of in accordance with ORC Chapter 6111 and the regulations promulgated thereunder.
8. Prior to any disposal of waste or contaminated soil from the Facility, ODOT 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, CDO, pursuant to OAC Rule 3745-27-13(H)(4).

9. Not later than sixty (60) days after completing the activities authorized through this approval, ODOT shall submit to Ohio EPA, DMWM, CDO, a certification report in accordance with OAC Rule 3745-27-13(H)(10).
10. ODOT shall take measures to control fugitive dust and other air emissions that may result from activities authorized through this approval.
11. For the purposes of erosion control during investigation of the Facility, ODOT 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.
12. 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.
13. If boring or excavation occurs outside the limits of waste placement at the Facility, ODOT shall not use material consisting of solid waste or hazardous waste to backfill the bored or excavated areas.
14. In accordance with OAC Rule 3745-27-13(M), this authorization shall terminate three (3) years after its effective date if ODOT has not begun the activities authorized herein.
15. In accordance with OAC Rule 3745-27-13(O), the Director may revoke this authorization if ODOT 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. ODOT shall not initiate the activities authorized under this approval unless ODOT has legal access to the property necessary to conduct the activities authorized under this approval.
17. 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 ODOT 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

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 Street, 17th Floor
Columbus, Ohio 43215

If you have any questions concerning this authorization, please contact Allan Hurtt of Ohio EPA, DMWM, CDO at (614) 728-3889.

Sincerely,



Craig W. Butler
Director

e: Scott Hester, DMWM, CO
Allan Hurtt, DMWM, CDO
Brian Metz, Tran System
Randal Hall, Columbus Auto Shredding
Joe Harrod, Columbus Health Department

AH/cf ColumbusAutoShreddingRule13