



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

JULY 29, 2019

Mr. Will Korte
Millcreek Sports Park Limited
339 Wayne Avenue
Cincinnati, OH 45215

Re: Lockland Celotex Landfill
Director's Authorization
Approval
Municipal Solid Waste Landfills
Hamilton County
MSWL023430

**Subject: Lockland Celotex Landfill, Hamilton County
Ohio Administrative Code (OAC) Rule 3745-27-13 Authorization**

Dear Mr. Korte:

Ohio EPA JUL 29 '19
Entered Directors Journal

On June 13, 2019, the Ohio Environmental Protection Agency (Ohio EPA), Division of Materials and Waste Management (DMWM), Southwest District Office (SWDO) received a request, dated June 12, 2019, titled "Request for Authorization Under OAC 3745-27-13 (Rule 13) Revised" (Request). The Request was submitted in accordance with OAC Rule 3745-27-13(E) by SME, on behalf of Millcreek Sports Park Limited, owner, for the closed Lockland Celotex Landfill (Facility) located on Erkenbrecher Avenue, Lockland, Ohio. On June 26, 2019, Ohio EPA received a revision to Appendix C "Air Emission Control Plan" located in the Request.

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 a licensed municipal solid waste landfill from 1976 to 1977. Specifically, the Millcreek Sports Park Limited is requesting to clear and grub the property, and restore the landfill cap. The proposed work will include site preparation activities, such as tree clearing, grubbing, and grading, with additional soils brought in to restore the landfill cap. These activities are intended to prepare the site for future development.

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 June 13, 2019 and last revised on June 26, 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, Millcreek Sports Park Limited 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, Millcreek Sports Park Limited 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 June 13, 2019 and last revised on June 26, 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, Millcreek Sports Park Limited shall submit written notification, which specifies the anticipated date of commencement, to Ohio EPA, DMWM, SWDO and Hamilton County Public 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, Millcreek Sports Park Limited 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).

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, Millcreek Sports Park Limited 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 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.

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

11. If boring or excavation occurs outside the limits of waste placement at the Facility, Millcreek Sports Park Limited 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, Millcreek Sports Park Limited shall submit to Ohio EPA, DMWM, SWDO, a certification report in accordance with OAC Rule 3745-27-13(H)(10).

OAC Rule 3745-27-13(M)

13. This authorization shall terminate 3 years after its effective date if Millcreek Sports Park Limited has not begun the activities authorized herein.

OAC Rule 3745-27-13(O)

14. The director may revoke this authorization if Millcreek Sports Park Limited 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 8 of the Request, "Detailed Description of Activities."

END OF CONDITIONS

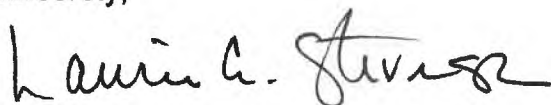
Nothing in this letter shall be construed to authorize any waiver from the requirements of any applicable federal or state laws or regulations except as specified herein. This authorization shall not be interpreted to release Millcreek Sports Park Limited from responsibility under ORC Chapters 3704, 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 (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, 4th Floor
Columbus, Ohio 43215

If you have any questions regarding this authorization, please contact Dylan Dyer of Ohio EPA, SWDO at (937) 285-6048.

Sincerely,



Laurie A. Stevenson
Director

cc: Ken Wilkins, Southwest Ohio Air Quality Agency
Chuck DeJonckheere, Hamilton County Public Health