



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

NOVEMBER 21, 2019

Ottawa County Commissioners
315 Madison Street #103
Port Clinton, OH 43452

Re: Homer Huston Dump Site
Director's Authorization
Approval
Municipal Solid Waste Landfills
Ottawa County
MSWL023590

Ohio EPA NOV 21 '19
Entered Directors Journal

**Subject: Homer Huston Dump Site, Ottawa County
Ohio Administrative Code (OAC) Rule 3745-27-13 Authorization**

Dear Commissioners:

On October 25, 2019, the Ohio Environmental Protection Agency (Ohio EPA), Division of Materials and Waste Management (DMWM), Northwest District Office (NWDO) received a request, dated September 16, 2019, titled, "Request for Rule 13 Authorization Under OAC 3745-27-13 Homer Huston Dump" (Request). The Request was submitted in accordance with OAC Rule 3745-27-13(E) by Lawhon & Associates, Inc., on behalf of Ottawa County Commissioners and Ohio Department of Transportation (ODOT) District 2. The Request is for the portion of a proposed multi-use trail construction that is adjacent to the closed Homer Huston Dump Site (Facility). The location of the portion of the project which is adjacent to the Homer Huston Dump Site is depicted in the aerial photos in Exhibit B starting on page 9 of the Request.

Ohio Revised Code (ORC) Section 3734.02(H) and OAC Rule 3745-27-13 require authorization from the Director of Ohio EPA ("Director") before engaging in filling, grading, excavation, building, drilling, or mining activities on land where a solid waste or hazardous waste facility was operated. The Facility operated as an unlicensed, unpermitted solid waste dump from the early 1960's through the 1990's.

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 25, 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, Ottawa County 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, Ottawa County 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 October 25, 2019. All activities shall be conducted at the Facility 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 seventy-two (72) hours prior to the start of the activities associated with this authorization, Ottawa County shall submit written notification, which specifies the anticipated date of commencement, to Ohio EPA, DMWM, NWDO.
3. Access shall be allowed 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:

5. OAC Rule 3745-27-13(H)(4)

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.
6. Ohio Revised Code (ORC) Chapter 6111

Any 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.
7. OAC Rule 3745-27-13(J)

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.

8. For the purposes of erosion control, Ottawa County 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.

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

No boring or excavation shall occur within the limits of the 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.

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

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

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

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

12. OAC Rule 3745-27-13(M)

This authorization shall terminate three (3) years after its effective date if Ottawa County has not begun the activities authorized herein.

13. OAC Rule 3745-27-13(O)

The Director may revoke this authorization if Ottawa County 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.

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 Ottawa County 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, 4th Floor
Columbus, Ohio 43215

If you have any questions regarding this authorization, please contact John Pasquarette of Ohio EPA, NWDO at (419) 373-3057.

Sincerely,



Laurie A. Stevenson
Director

cc: John Pasquarette, Ohio EPA, DMWM, NWDO
Jeremy Carroll, Ohio EPA, DMWM, CO
Trevor Berger, Lawhon & Associates, Inc.
Stacy Schimmoeller, ODOT District 2