



OHIO E.P.A.

APR 30 2015

John R. Kasich, Governor
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ENTERED DIRECTOR'S JOURNAL

APR 30 2015

Mr. Scott Perry
Solid Waste Authority of Central Ohio
Operations Director
3851 London Groveport Road
Grove City, Ohio 43123

**Subject: Model Sanitary Landfill: Franklin County
OAC Rule 3745-27-13 Authorization and Exemption**

Dear Mr. Perry:

On March 3, 2015, the Ohio Environmental Protection Agency (Ohio EPA), Division of Materials and Waste Management (DMWM), Central District Office (CDO) received a request, pursuant to Ohio Administrative Code (OAC) Rule 3745-27-13 (Rule 13), from the Solid Waste Authority of Central Ohio (SWACO) to relocate waste at the former Model Sanitary Landfill (Facility). SWACO plans to relocate onsite waste exhumed from activities associated with repairing and upgrading the Facility's explosive gas collection and control system. Activities to repair and upgrade the gas collection and control system were approved by Ohio EPA in previous Rule 13 authorizations issued on February 22, 2012 and February 2, 2014. Pursuant to OAC Rule 3745-27-13, no person shall, without authorization from the Director, engage in filling, grading, excavating, building, drilling, or mining on land where a solid waste facility was operated. Also included in the March 3, 2015 submittal was a request for an exemption from the requirements of OAC Rule 3745-27-13(H)(6) in order to relocate the exhumed waste above the previously existing vertical limits of waste placement.

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 March 3, 2015 request and the following conditions, will not result in a violation of applicable laws and regulations, will not create a nuisance, and are unlikely to adversely affect the public safety or health or the environment. Therefore, SWACO is hereby authorized to perform the proposed activities in accordance with the plans, specifications and information submitted as part of the request.

As part of this authorization, SWACO is subject to the following conditions:

CONDITIONS

1. This approval grants SWACO authorization to perform activities at the Facility in accordance with the request titled "OAC Rule 3745-27-13 Submittal for the Model Landfill" received on March 3, 2015. 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. SWACO shall allow access to the Facility to the Director or a representative authorized by the Director at any reasonable time to make inspections, conduct tests, or examine records and reports pertaining to the authorized activities.
3. Not later than seventy-two (72) hours prior to the start of the activities associated with this authorization, SWACO shall submit written notification, which specifies the anticipated date of commencement, to Ohio EPA, DMWM, CDO and the Franklin County Board of Health.
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. Surface water control structures shall be constructed, as needed, to divert water around the construction site.
5. SWACO 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, SWACO shall use best management practices and standards as specified in the Natural Resources Conservation manual titled *Rainwater and Land Development* prepared by the Ohio Department of Natural Resources, Division of Soil and Water Conservation.
6. All activities undertaken shall not create a nuisance and shall not adversely affect public safety or health or the environment.
7. 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 in accordance with the sampling plan and Ohio Revised Code (ORC) Chapter 3734 and the regulations promulgated thereunder.
8. 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

in accordance with ORC Chapter 6111 and the regulations promulgated thereunder.

9. Prior to any removal of waste or contaminated soil from the Facility, SWACO 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).
10. In accordance with OAC Rule 3745-27-13(M), this authorization shall terminate three (3) years after its effective date if SWACO has not begun the activities authorized herein.
11. All on-site activities shall be performed in a manner that prevents migration of leachate, explosive gas, or toxic gas from the Facility.
12. Not later than sixty (60) days after completing the activities authorized by this approval, SWACO shall submit to Ohio EPA, DMWM, CDO a certification report in accordance with OAC Rule 3745-27-13(H)(10).
13. Any exposed waste that has been unearthed shall be covered at the end of the working day to reduce odors.
14. In accordance with OAC Rule 3745-27-13(O), the Director may revoke this authorization if SWACO violates, or is likely to violate, any applicable law or if the continued implementation of the approved plans may cause a threat to human health or safety or the environment.
15. On any portions of the landfill where waste is relocated above previously existing vertical limits of waste placement, as authorized by this approval, SWACO shall reestablish a final cap, a minimum of 24 inches thick, in accordance with the following specifications:
 - a. **Material Specifications:** The following material specifications shall apply to the material intended for use in cap construction. A representative sample of the material shall be evaluated at a frequency not less than once for every 3,000 cubic yards.
 - i. 100% of the material particles shall pass a ten-inch screen, with no more than two particles from a 50-cubic-foot sample retained on a six-inch screen.
 - ii. At least 95% of the material, by weight, shall pass a three-inch screen.

- iii. At least 70% of the material, by weight, shall pass the Number 10 sieve.
 - iv. The material that passes the Number 10 sieve (sand, silt, and clay fractions) shall be classified using the USDA textural classification chart as loam, sandy loam, silty loam, clay loam, silty clay, or sandy clay, or an acceptable alternative soil type with concurrence from Ohio EPA.
- b. Construction Specifications:
- i. The material shall be compacted to at least 95% of the maximum Standard Proctor Density (ASTM D-698) or 90% of the maximum Modified Proctor Density (ASTM D-1557).
 - ii. The material shall be compacted using loose lifts no greater than twelve inches thick prior to compaction.
 - iii. The final soil cover shall be stabilized in accordance with best management practices and standards until a dense vegetative cover has been established.
- c. Testing Specifications:
- i. The suitability of the soils shall be determined prior to their intended use in cap construction. The following tests shall be performed on representative soil samples at least once for every 3,000 cubic yards of material intended for use.
 - a. Sieve and hydrometer testing (ASTM D-422) for particle size gradation.
 - b. Moisture/density relationship using either Standard Proctor (ASTM D-698) or Modified Proctor (ASTM D-1557) method.

Prior to testing, the samples shall be screened to remove any particles larger than three inches. Written results of this testing shall be submitted to Ohio EPA, CDO not later than seven days prior to its intended use in cap construction.
 - ii. During construction of the cap, compaction shall be monitored to ensure that the proper specifications are met. This can be accomplished by a number of methods, including nuclear densimeter (ASTM D-2922), sand cone (ASTM D-1556), and

rubber balloon (ASTM D-2167). The nuclear densimeter test, if used, shall be performed at least five times per acre per lift. The sand cone or rubber balloon methods shall be performed at least three times per acre per lift. The sampling rate for other methods shall be determined on an individual basis with concurrence from Ohio EPA.

- iii. Upon completion of construction, the permeability of the cap shall be determined through either field permeability testing (ASTM D-6391: Boutwell two-stage permeameter, ASTM D-5093: SDRI) or through laboratory testing of cap samples brought to the lab for analysis (ASTM D-5084: Shelby tubes, soil blocks). The permeability requirements for each type of permeability determination are as follows:
 - d. For field permeability tests (ASTM D-6391, ASTM D-5093), the required permeability of the cap is 1×10^{-5} cm/sec.
 - e. For laboratory permeability tests (ASTM D-5084: Shelby tubes, soil blocks), the required permeability of the cap is 1×10^{-6} cm/sec.
 - iv. Any penetrations into the cap layer resulting from either density testing or permeability testing shall be repaired using bentonite or an acceptable bentonite/soil mixture.
16. On any portions of the landfill where the cap is removed due to activities associated with repairing or upgrading the gas collection and control system, as approved on February 22, 2012 and February 2, 2014, SWACO shall reestablish the final cover system in accordance with the "Detailed Description of Procedures for Reestablishing Formal Closure" section of SWACO's submittal from the February 22, 2012 approval.
17. Nothing in this letter shall be construed to authorize any waiver from the requirements of applicable federal or state laws or regulations. This authorization shall not be interpreted to release SWACO 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

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

On behalf of SWACO, Cornerstone has requested an exemption from OAC Rule 3745-27-13(H)(6), which requires that "no excavation of waste 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 Chapter 3734 of the Revised Code and the regulations promulgated thereunder."

As part of the activities approved through this authorization, SWACO proposes to excavate historically-disposed waste and relocate it within the horizontal limits of waste placement at the Landfill, but above the previously existing vertical limits.

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, or processing solid wastes that consist of scrap tires, in such quantities or under such circumstances that, in the determination of the Director, are unlikely to adversely affect the public health or safety or the environment, from any requirements to obtain a registration certificate or license or comply with other requirements of ORC Chapter 3734.

Ohio EPA has reviewed the request and, because the relocation of waste materials will occur within the previously existing horizontal limits and because a final cover system will be reestablished over the relocated waste materials in accordance with the conditions of this authorization, granting SWACO an exemption in order to relocate waste materials above the previously existing limits of waste placement is unlikely to adversely affect public health or safety or the environment. Therefore, pursuant to ORC Section 3734.02(G) and OAC Rule 3745-27-03(B), SWACO 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 previously existing vertical limits of waste placement during the performance of activities described in the request, provided that SWACO 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

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

Mr. Scott Perry
SWACO, Operations Director
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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 Commission at the following address:

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

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

Sincerely,



Craig W. Butler
Director

cc: Jeff Grose, Franklin County Public Health
Scott Hester, DMWM, CO
Allan Hurtt, DMWM, CDO

Franklin County Model Sanitary Landfill
Director's Authorization
Approval
Municipal Solid Waste Landfills
Franklin County
MSWL020054

Non Permit Related Exemption