



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

DEC 14 2015

ENTERED DIRECTOR'S JOURNAL

DEC 14 2015

Mr. George P. Clements
City Manager
City of Lebanon
50 South Broadway
Lebanon, Ohio 45036

Re: City of Lebanon Landfill
Director's Authorization
Approval
Municipal Solid Waste Landfills
Warren County
MSWL021213

**Subject: City of Lebanon Landfill, Warren County
Ohio Administrative Code (OAC) Rule 3745-27-13 Authorization**

Dear Mr. Clements:

On September 18, 2015, the Ohio Environmental Protection Agency (Ohio EPA), Division of Materials and Waste Management (DMWM), Southwest District Office (SWDO) received a request dated September 14, 2015, titled *City of Lebanon, Proposed Turtlecreek Union Road Bike Park*. The document was submitted in accordance with OAC Rule 3745-27-13(E) by the Office of the City Manager for the closed City of Lebanon Landfill (Facility), located on East Turtlecreek Union Road, Lebanon, Ohio in Warren County.

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 City of Lebanon (the City) is requesting permission to develop the property as a public bike park that would include: compacted clay trails, mountain bike trails, a pump track, a skills course, and a paved parking area.

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 September 18, 2015, 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 their request.

As part of this authorization, the City 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 September 18, 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. Not later than seventy-two (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, DMWM, SWDO.
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, 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, DMWM, SWDO, pursuant to OAC Rule 3745-27-13(H)(4).
9. Not later than sixty (60) days after completing the activities authorized through this approval, the City shall submit to Ohio EPA, DMWM, SWDO, a certification report in accordance with OAC Rule 3745-27-13(H)(10).

10. The City 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, 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.
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, the City 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 the City has not begun the activities authorized herein.
15. In accordance with OAC Rule 3745-27-13(O), 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.
16. The City shall not initiate the activities authorized under this approval unless the City 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 the City and/or its appointed representative 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

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 Joleen Cook of Ohio EPA, DMWM, SWDO at (937) 285-6071.

Sincerely,



Craig W. Butler
Director

ec: Scott Hester, Ohio EPA, Central Office, DMWM
Joleen Cook, Ohio EPA, SWDO, DMWM