



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

OHIO E.P.A.  
APR 14 2016

ENTERED DIRECTOR'S JOURNAL

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Mayor Vic Collova  
5407 Turney Road  
Garfield Heights, Ohio 44125

Re: ~~Matousek~~ Matousek Landfill  
Director's Authorization  
Approval  
Municipal Solid Waste Landfills  
Cuyahoga County  
MSWL019420

Dear Mayor Collova:

On January 28, 2016, the Ohio Environmental Protection Agency (Ohio EPA) received a document titled "Rule 13 Permit Application Request, Geotechnical Soil Borings – City View Center, Transportation Blvd., Garfield Heights, Ohio" (Request). On February 10, 2016, and March 7, 2016, Ohio EPA received subsequent revisions. The application was submitted pursuant to Ohio Administrative Code (OAC) Rule 3745-27-13 by Professional Services Industries (PSI) on behalf of the City of Garfield Heights (City).

OAC Rule 3745-27-13 (Rule 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 is requesting authorization to conduct investigative activities within the Matousek Landfill (Facility) located south of Transportation Boulevard in Garfield Heights, Ohio. The City proposes four (4) soil borings within the landfill boundary.

After reviewing the Request, I have determined, pursuant to OAC Rule 3745-27-13, that the proposed activities, if conducted in accordance with the January 28, 2016 request, subsequent revisions, 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 public safety or health or the environment. Therefore, the City and/or their appointed representative are hereby authorized to perform the activities outlined in this letter in accordance with the submitted and approved plans, specifications, and information.

As part of this authorization, the City and/or its appointed representative are 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 January 28, 2016 with revisions through March 7, 2016. All activities shall be conducted in strict compliance 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, the City and/or its appointed representative shall submit written notification, which specifies the anticipated date of work commencement, to Ohio EPA, Division of Materials and Waste Management (DMWM), Northeast District Office (NEDO) and the Cuyahoga County Board of Health.
3. The City and/or its appointed representative shall allow access to 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.
5. All on-site activities shall be performed in a manner that prevents migration of leachate, explosive gas, or toxic gas from the Facility.
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 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, the City and/or its appointed representative 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, NEDO, pursuant to OAC Rule 3745-27-13(H)(4).
10. Not later than sixty (60) days after completing the activities authorized by this approval, the City and/or its appointed representative shall submit to Ohio EPA, DMWM, NEDO a certification report in accordance with OAC Rule 3745-27-13(H)(10).

11. The City and/or its appointed representative shall take measures to control fugitive dust and other air emissions that may result from activities authorized by this approval.
12. For the purposes of erosion control during construction activities at the Facility, the City and/or its appointed representative 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.
13. Provided that seasonal conditions allow, seeding of the Facility shall take place not later than thirty (30) days after final grading. A vegetative cover that is adequate in controlling erosion shall be established not later than two (2) years after seeding.
14. No boring or excavation shall occur unless the excavated waste is replaced within the previously existing horizontal and vertical limits of waste placement or is containerized and securely stored until the materials are properly characterized and disposed, in accordance with ORC Chapter 3734 and the regulations promulgated thereunder.
15. If the boring or excavation occurs outside the limits of waste placement at the Facility, the City and/or its appointed representative shall use only clean soil to backfill the excavated areas and shall not use any type of waste, including but not limited to construction and demolition debris, solid or hazardous waste, or contaminated soils, to backfill the excavated areas.
16. The City and/or its appointed representative shall apply a minimum six-inch layer of soil cover or other alternative daily cover material acceptable to Ohio EPA to all exposed waste or contaminated soils by the end of the working day to control fire hazards, blowing litter, odors, insects, vectors and rodents.
17. In accordance with OAC Rule 3745-27-13(M), this authorization shall terminate three (3) years after its effective date if the City and/or its appointed representative has not begun the activities authorized herein.
18. In accordance with the OAC Rule 3745-27-13(O), the Director may revoke this authorization if the City and/or its appointed representative violates, or is likely to violate, any applicable law or if continued implementation of the authorized plans may cause a threat to human health or safety or the environment.
19. Nothing in this letter shall be construed to authorize any waiver from the requirements of any applicable federal or state laws or regulations. This authorization shall not be interpreted to release the City and/or its appointed representative 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**

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  
77 South High St., 17<sup>th</sup> Floor  
Columbus, Ohio 43215

If you have any questions concerning this authorization, please contact Karen Naples of Ohio EPA, DMWM, NEDO at (330) 963-1244.

Sincerely,



Craig W. Butler  
Director

CWB:KN:cla

Attachment

cc: Scott Hester, Ohio EPA, Central Office, DMWM (w/ Enclosure)  
Lynn Sowers, Ohio EPA, NEDO, DMWM (w/ Enclosure)  
Dane Tussell, Cuyahoga County Board of Health (w/Enclosure)  
Paul Bowyer, PSI