



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

OHIO E.P.A.

AUG 10 2016

ENTERED DIRECTOR'S JOURNAL

AUGUST 10, 2016

Ms. Lynn Tetley  
City Manager  
City of Wyoming  
800 Oak Avenue  
Wyoming, Ohio 45215

RE: City of Wyoming Landfill  
Director's Authorization  
Approval  
Municipal Solid Waste Landfills  
Hamilton County  
MSWL021627

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

Dear Ms. Tetley:

On May 10, 2016, the Ohio Environmental Protection Agency (Ohio EPA), Division of Materials and Waste Management (DMWM), Southwest District Office (SWDO), received a request dated May 6, 2016, titled "Request to Engage in Maintenance Activities, OAC 3745-27-13" (Request). The Request was prepared and submitted in accordance with OAC 3745-27-13 by Power Engineers, Inc. on behalf of the City of Wyoming (City), the owner of the closed City of Wyoming Landfill (Facility) located on Oak Avenue, Wyoming, Hamilton County, Ohio.

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. Specifically, the City is requesting to conduct a series of maintenance activities at the Facility, which is now Oak Park Recreational Facility. The proposed work will include: the removal and installation of fencing around the entire park; the removal of the fence around the basketball court; filling in areas of settlement; installation of asphalt overlay over existing asphalt drives, parking area, path; and demolition of an old bridge pier. The Facility operated as a municipal solid waste landfill from approximately 1956-1979.

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 and the following conditions, will not result in a violation of applicable laws or regulations, will not create a nuisance, and are unlikely to adversely affect the 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 submitted and approved plans, specifications, and information submitted as part of this 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 received May 10, 2016. All activities shall be conducted in strict compliance 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 activities associated with this authorization, the City shall submit written notification, which specifies the anticipated date of work commencement, to: Ohio EPA, DMWM, SWDO and Chuck DeJonckheere, Director, Hamilton County Public Health.
3. The City 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. 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.
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 of in accordance with ORC Chapter 6111 and the regulations promulgated thereunder.
9. 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 in accordance with OAC Rule 3745-27-13(H)(4).

10. 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).
11. The City shall take measures to control fugitive dust and other air emissions that may result from activities authorized through this approval.
12. The City shall take measures to minimize the potential for increased infiltration of surface water that may result from activities authorized herein.
13. For the purposes of erosion control during the activities at 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.
14. 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.
15. 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.
16. 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.
17. 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.
18. Nothing in this letter shall be construed to authorize any waiver from any requirements of applicable federal or state laws or regulations except as specified herein. This authorization shall not be interpreted to release the City 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 Ohio Revised Code 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 Commission at the following address:

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

If you have any questions regarding this authorization, please contact Joleen K. Cook of Ohio EPA, DMWM, SWDO at (937) 285-6071 or [joleen.cook@epa.ohio.gov](mailto:joleen.cook@epa.ohio.gov).

Sincerely,



Craig W. Butler  
Director

Attachment

ec: Tracy Buchanan, DMWM, SWDO  
Scott Hester, DMWM, Central Office  
Chuck DeJonckheere, Director, Hamilton County Public Health  
Dennis Schucker, Power Engineers