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FEBRUARY 13, 2017

LEGAL OFFICE

Mr. Dan Crago
Valley Asphalt Corporation
11641 Mosteller Road
Cincinnati, Ohio 45241

Re: Valley Asphalt Corporation
Director's Authorization
Approval
Municipal Solid Waste Landfills
Montgomery County
MSWL021810

**Subject: Closed South Dayton Dump, Montgomery County
Ohio Administrative Code (OAC) Rule 3745-27-13 Authorization**

Dear Mr. Crago:

On October 25, 2016, the Ohio Environmental Protection Agency (Ohio EPA), Division of Materials and Waste Management (DMWM), Southwest District Office (SWDO), received a document titled Valley Asphalt Plant #6 Plant Replacement Project 1901 Dryden Road, Moraine, Ohio 45439 (Request). The Request was prepared and submitted by Valley Asphalt Corporation (Valley Asphalt), owner of a hot mix asphalt batch plant located at 1901 Dryden Road, Dayton, Ohio. The Request was submitted pursuant to OAC Rule 3745-27-13 and reviewed by Ohio EPA. A notice of deficiency was issued to Valley Asphalt on November 16, 2016. Subsequent revisions to the Request were received on December 9, 2016.

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 plant is located on a part of South Dayton Dump & Landfill Superfund site which includes the closed South Dayton Dump (Facility) which operated from the early 1940's to 1996. The plant covers approximately 19 acres on the northeast portion of the South Dayton Dump. Specifically, the proposed work includes converting the existing hot mix asphalt plant to a hot mix asphalt drum plant. The conversion will include replacement of the storage silos, baghouse, recycled asphalt pavement pre-heater, and asphalt tanks and the removal of the batch tower.

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, Valley Asphalt and/or its representative 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, Valley Asphalt is subject to the following conditions:

CONDITIONS

1. This approval grants Valley Asphalt and/or its representative authorization to perform activities at the Facility in accordance with the document titled Valley Asphalt Plant #6 Plant Replacement Project, 1901 Dryden Road, Moraine, Ohio 45439 and the subsequent revision dated December 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, Valley Asphalt shall submit written notification, which specifies the anticipated date of work commencement, to Ohio EPA, DMWM, SWDO and Public Health - Dayton & Montgomery County (PHDMC).
3. Valley Asphalt 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. Valley Asphalt and/or its appointed representative shall take measures to control fugitive dust and other air emissions that may result from activities authorized through this approval.
7. All activities undertaken shall not create a nuisance and shall not adversely affect public safety or health or the environment.
8. 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.
9. 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.

10. Prior to any disposal of waste or contaminated soil from the Facility, Valley Asphalt 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, SWDO in accordance with OAC Rule 3745-27-13(H)(4).
11. Not later than sixty (60) days after completing the activities authorized through this approval, Valley Asphalt and/or its authorized representative shall submit to Ohio EPA, DMWM, SWDO a certification report in accordance with OAC Rule 3745-27-13(H)(10).
12. Valley Asphalt and/or its appointed representative shall take measures to minimize the potential for increased infiltration of surface water that may result from activities authorized through this approval.
13. For the purposes of erosion control during the activities at the Facility, Valley Asphalt and/or its authorized 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.
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 Facility 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 Valley Asphalt and/or its appointed representative has not begun the activities authorized herein.
17. In accordance with OAC Rule 3745-27-13(O), the Director may revoke this authorization if Valley Asphalt and/or its appointed representative 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 Valley Asphalt 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.

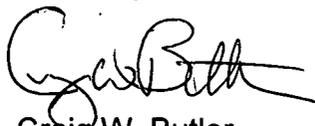
END OF CONDITIONS

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 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 Jill Olberding of Ohio EPA, DMWM, SWDO at (937) 285-6094 or jill.olberding@epa.ohio.gov.

Sincerely,



Craig W. Butler
Director

Attachment

ec: Michelle Ackenhausen, DMWM, SWDO
Scott Hester, DMWM, CO
Kenton Domer-Shank, PHDMC
Dan Crago, Valley Asphalt Corporation