



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

OCTOBER 20, 2017

The Honorable Trevor Elkins, Mayor
Village of Newburgh Heights
4000 Washington Park Blvd.
Newburgh Heights, Ohio 44105

**Re: Bert Avenue Landfill
Director's Authorization
Approval
Municipal Solid Waste Landfills
Cuyahoga County
MSWL020022**

**Subject: Bert Avenue Landfill
Ohio Administrative Code (OAC) 3745-27-10(D)(6) Authorization**

Ohio EPA OCT 20 '17
Entered Directors Journal

Dear Mayor Elkins:

On June 19, 2017, the Ohio Environmental Protection Agency (Ohio EPA), Division of Materials and Waste Management (DMWM), Northeast District Office (NEDO) received a request, dated May 12, 2017, from Partners Environmental (Partners) on behalf of the Village of Newburgh Heights to reduce sampling frequency and statistical analysis frequency from semiannually to annually for the Bert Avenue Landfill, located in the Village of Newburgh Heights (Village), Cuyahoga County, Ohio. The Bert Avenue Landfill is approximately four (4) acres in size and accepted waste from the late 1940s until 1977. Ohio EPA received the closure certification report for the landfill on April 5, 1999, thus starting the thirty (30) year post-closure care period. The request was made in accordance with Ohio Administrative Code (OAC) Rule 3745-27-10(D)(6), which allows an owner or operator to propose an alternative sampling and statistical analysis frequency. The Director may approve an alternative sampling and statistical analysis frequency provided the alternative sampling and analysis frequency is not less than annually.

Upon receipt of the request, DMWM requested that the Division of Drinking and Ground Waters (DDAGW) review the document proposing to reduce sampling frequency and statistical analysis frequency from semiannually to annually. Three distinct stratigraphic units were identified at the Bert Avenue Landfill: Fill/Waste, undifferentiated Silt and Clay interbedded with Sand and Gravel deposits, and Lacustrine Silty Clay/Clayey Silt and Clay. The undifferentiated silt and clay layer is the only identified significant zone of saturation (SZS) at the facility and is believed to be less than five (5) feet thick. An uppermost aquifer system (UAS) has not been identified at the facility. The ground water flow rate for the undifferentiated unit is estimated to range from 0.541 to 0.964 feet/day. There are no residential wells located in the Village of Newburgh Heights as all residents are on publicly supplied water. There are also no potable public or private water wells downgradient of the facility. Because of these factors, I have determined that reducing the sampling and statistical analysis frequency to annually rather than semiannually will

provide adequate time to address any ground water contamination detected.

Therefore, pursuant to OAC Rule 3745-27-10(D)(6), I hereby authorize reducing the sampling and statistical analysis frequency for the Bert Avenue Landfill to annually from semiannually. Sampling and analysis shall be conducted during the spring sampling event each year. Sampling and analysis shall be conducted in accordance with OAC Rule 3745-27-10 and the approved sampling and analysis plan.

You are hereby notified that this action of the Director of Environmental Protection (Director) is final and may be appealed to the Environmental Review Appeals 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 Environmental Review Appeals Commission at the following address:

Environmental Review Appeals Commission
30 East Broad Street, 4th Floor
Columbus, Ohio 43215

If you have any questions concerning this letter, please contact Lynn Sowers of Ohio EPA, Northeast District Office at (330) 963-1254.

Sincerely,



Craig W. Butler
Director

CWB:BL:cla

ec: Michael Z. Bitto, Partners Environmental
Laura Tobias, Ohio EPA, NEDO, DMWM
Dane Tussel, Cuyahoga County Board of Health