



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

NOVEMBER 15, 2017

Mark A. Wagenbrenner
Marble Cliff Canyon, LLC
842 N. Fourth Street, Suite 200
Columbus, Ohio 43215

Re: Marble Cliff Quarry Landfill
Director's Authorization
Approval
Municipal Solid Waste Landfills
Franklin County
MSWL021367

Re: Marble Cliff Quarry Landfill
Non-Permit Related Exemption
Approval
Municipal Solid Waste Landfills
Franklin County
MSWL021367

Ohio EPA NOV 15 '17
Entered Directors Journal

**Subject: Marble Cliff Quarry Landfill, Franklin County
Ohio Administrative Code (OAC) Rule 3745-27-13 Authorization**

Dear Mr. Wagenbrenner:

On July 10, 2017, the Ohio Environmental Protection Agency (Ohio EPA), Division of Materials and Waste Management (DMWM), Central District Office (CDO) received a request, dated June 28, 2017, titled "OAC 3745-27-13(E) Request" (Request). The Request was submitted in accordance with OAC Rule 3745-27-13(E) by Marble Cliff Canyon, LLC (MCC), with acknowledgement from Trabue Dublin, LLC (Owner), for the closed Marble Cliff Quarry Landfill (Facility) located at 2650 Dublin Road Columbus, Ohio.

Ohio EPA, Division of Environmental Response and Revitalization (DERR), CDO staff initially reviewed the Request, and in coordination with DMWM, CDO staff, provided a notice of deficiencies dated August 29, 2017. In response to the August 29, 2017 letter, the Request was revised and re-submitted on September 18, 2017.

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 Facility operated as a municipal solid waste landfill until 1974. MCC requests to conduct clearing, soil grading, on-site waste relocation, soil and waste compaction, and capping.

The revised Request also proposed exemptions from the requirements of OAC Rules 3745-27-13(E)(1), (E)(11), and (H)(6).

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 revised, 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, MCC is hereby authorized to perform the activities outlined in this letter in accordance with the plans, specifications, and information submitted as part of the Request.

As part of this approval, MCC is subject to the following conditions:

CONDITIONS

General Conditions:

1. This approval grants authorization to perform activities at the Facility in accordance with the Request as submitted on July 10, 2017 and revised on September 18, 2017. All activities shall be conducted in strict accordance 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, MCC shall submit written notification, which specifies the anticipated date of commencement, to Ohio EPA, DMWM, CDO and Columbus Public Health.
3. Access shall be allowed at 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.

Operational Conditions:

5. OAC Rule 3745-27-13(G)(3)(c)

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.

6. Ohio Revised Code (ORC) Chapter 6111

Any 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.

7. OAC Rule 3745-27-13(H)(4)

Prior to any disposal of waste or contaminated soil from the Facility, MCC 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, CDO, pursuant to OAC Rule 3745-27-13(H)(4).

8. OAC Rule 3745-27-13(J)

All on-site activities shall be performed in a manner that:

- a. Prevents migration of leachate, explosive gas, or toxic gas from the Facility;
- b. Does not create a nuisance or adversely affect public safety or health or the environment;
- c. Controls fugitive dust and other air emissions; and
- d. Minimizes the potential for increased infiltration of surface water.

9. For the purposes of erosion control, MCC shall use best management practices and standards as specified in the National Resources Conservation manual titled "Rainwater and Land Development" prepared by the Ohio EPA Division of Surface Water.

10. OAC Rule 3745-27-13(H)(6)

No boring or excavation shall occur within the limits of the waste placement unless any excavated waste is replaced within previously existing horizontal 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.

11. OAC Rule 3745-27-13(H)(7)

If boring or excavation occurs outside the limits of waste placement at the Facility, MCC shall not use material consisting of solid waste or hazardous waste to backfill the bored or excavated areas.

12. OAC Rule 3745-27-13(H)(10)

Not later than sixty (60) days after completing the activities authorized through this approval, MCC shall submit to Ohio EPA, DMWM, CDO, a certification report in accordance with OAC Rule 3745-27-13(H)(10).

13. OAC Rule 3745-27-13(M)

This authorization shall terminate three (3) years after its effective date if MCC has not begun the activities authorized herein.

14. OAC Rule 3745-27-13(O)

The Director may revoke this authorization if MCC 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.

Special Conditions:

15. Upon completion of filling, grading, excavating, building, drilling, or mining activities at the Facility, MCC shall restore the condition of the Facility cap in accordance with the appropriate provisions of ORC Chapter 3734 and the rules promulgated thereunder, as were applicable at the time the Facility owner or operator originally submitted certification of closure, or the rules the Facility owner or operator was required to close under if certification was never submitted.

16. MCC shall have a waste management plan approved by Ohio EPA prior to excavation of any wastes.

17. MCC shall install an additional vapor well in order to monitor for explosive gas migration at the location depicted on the updated soil gas well exhibit. This additional vapor well shall be monitored on a monthly basis once activities begin at the site.

END OF CONDITIONS

EXEMPTIONS

Pursuant to ORC Section 3734.02(G) and OAC Rule 3745-27-03(B), the Director may, by order, exempt any person generating, collecting, storing, treating, disposing of, or transporting solid wastes, or processing solid wastes that consist of scrap tires, in such quantities or under such circumstances that, in the determination of the Director, are unlikely to adversely affect the public health or safety or the environment, from any requirements to obtain a registration certificate or license or comply with other requirements of ORC Chapter 3734 or any rules adopted thereunder.

EXEMPTION FROM OAC RULE 3745-27-13(E)(1)

MCC has requested an exemption from OAC Rule 3745-27-13(E)(1), which requires that the request includes the location specified on a 7-1/2 minute USGS topographical map and on a topographic map with a maximum scale of one inch equals two hundred feet, legal description, type of facility, demonstration of current property ownership, and demonstration of current facility ownership.

Ohio EPA has reviewed the exemption request and has determined that, because a legal description of the property will be submitted at a later date, granting MCC an exemption from the requirement to submit a legal description within this Request is unlikely to adversely affect the public health or safety or the environment. Therefore, pursuant to ORC Section 3734.02(G) and OAC Rule 3745-27-03(B), MCC is hereby exempted from the requirement of OAC Rule 3745-27-13(E)(1) as it applies to submitting a legal description within the Request. This exemption shall remain in effect throughout the effective period of this authorization unless otherwise revoked.

EXEMPTION FROM OAC RULE 3745-27-13(E)(11)

MCC has requested an exemption from OAC Rule 3745-27-13(E)(11), which requires that, if waste will still remain on the property, that the Request includes a detailed description of a notation or update to any prior recorded notation to be placed on the deed to the property to notify in perpetuity any potential purchaser of the property that the land has been used as a hazardous waste facility or solid waste facility. The notation shall describe the impacted acreage, including the known location, depth, volume, and nature of waste disturbed at the site. MCC proposes to include information regarding the property under an environmental covenant established through the Voluntary Action Program after the activities proposed in the Request are completed.

Ohio EPA has reviewed the exemption request and has determined that, because the deed notation will be later provided under an environmental covenant for the property, granting MCC an exemption from providing a detailed description of a recorded deed notation within the Request is unlikely to adversely affect the public health or safety or the environment. Therefore, pursuant to ORC Section 3734.02(G) and OAC Rule 3745-27-03(B), MCC is hereby exempted from the requirement of OAC Rule 3745-27-13(E)(11)

as it applies to providing a detailed description of a recorded deed notation within the Request. This exemption shall remain in effect throughout the effective period of this authorization unless otherwise revoked.

EXEMPTION FROM OAC RULE 3745-27-13(H)(6)

MCC has requested an exemption from OAC Rule 3745-27-13(H)(6), which requires that no excavation of waste 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 Chapter 3734 of the Revised Code and the regulations promulgated thereunder. MCC proposes to increase the vertical limits of waste placement in some lower-lying areas by relocating waste from higher areas to achieve an overall lowering of the vertical limits of waste prior to installation of a soil cover.

Ohio EPA has reviewed the request and has determined that, because the relocation of waste materials will occur within the previously existing horizontal limits of waste placement and a final cover system will be reestablished over the relocated waste materials in accordance with the conditions of this authorization, granting MCC an exemption to relocate waste materials above the previously existing limits of waste placement is unlikely to adversely affect public health or safety or the environment. Therefore, pursuant to ORC Section 3734.02(G) and OAC Rule 3745-27-03(B), MCC is hereby exempted from the requirement of OAC Rule 3745-27-13(H)(6) as it applies to the placement of waste materials above the previously existing vertical limits of waste placement during the performance of activities described in the Request, provided that MCC strictly complies with all conditions of this authorization. This exemption shall remain in effect throughout the effective period of this authorization unless otherwise revoked.

END OF EXEMPTIONS

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 MCC 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.

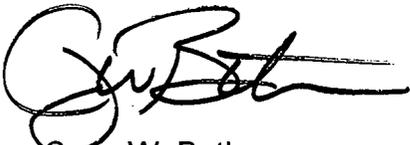
You are hereby notified that this action of the Director of Environmental Protection (Director) is final and may be appealed to the Environmental Review Appeals Commission pursuant to ORC Section 3745.04. The appeal must be in writing and set forth the action complained of and the grounds upon which 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
30 East Broad Street, 4th Floor
Columbus, Ohio 43215

If you have any questions regarding this authorization, please contact Allan Hurtt of Ohio EPA, CDO at (614) 728-3889.

Sincerely,



Craig W. Butler
Director

- c: John Tallichet, Trabue Dublin, LLC
- e: Kelli Dodd, Columbus Public Health
Deborah Strayton, DERR/CDO
Constance Livchak, DMWM/CDO
Miles Davidson, DMWM/CDO
Scott Hester, DMWM/CO
Troy Harter, Legal
Sue Kroeger, Legal