



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

NOVEMBER 21, 2017

Kurt Gates
CAPE Environmental, Inc.
404 E. Ramsey Rd., Suite 206
San Antonio, TX 78216

Re: Richland Co Sanitary Landfill
Director's Authorization
Approval
Municipal Solid Waste
Landfills
Richland County
MSWL019379

Ohio EPA NOV 21 '17
Entered Directors Journal

**Subject: Closed Richland County Landfill, Richland County
Ohio Administrative Code (OAC) Rule 3745-27-13 Authorization**

Dear Mr. Gates:

On August 24, 2017, the Ohio Environmental Protection Agency (Ohio EPA), Division of Materials and Waste Management (DMWM), Northwest District Office (NWDO) received a request, dated August 23, 2017, titled "Notice of Intent under Rule 13 on property of Mansfield ANG, OH adjacent to Richland County Landfill property" (Request). The Request was submitted in accordance with OAC Rule 3745-27-13(E) by CAPE Environmental, Inc.(CAPE) for activities on property adjacent to the closed Richland County Landfill (Facility) located at 536 Cairns Rd. Mansfield, 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 or within 300 feet of the limits of solid waste placement of a solid waste facility if such activities are likely to impact the integrity of the waste placement or any ancillary structures. The Facility operated as a solid waste landfill from 1970 to 1988. Specifically, CAPE is requesting to excavate and install an undertank leak detection system on the Mansfield Lahm ANG, OH property.

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 submitted on August 24, 2017, and as revised through September 21, 2017, 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, CAPE 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, CAPE 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 August 23, 2017 and last revised on September 21, 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, CAPE shall submit written notification, which specifies the anticipated date of commencement, to Ohio EPA, DMWM, NWDO and Richland 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, CAPE 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, NWDO, 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, CAPE 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.

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 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.

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

If boring or excavation occurs outside the limits of waste placement at the Facility, CAPE 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, CAPE shall submit to Ohio EPA, DMWM, NWDO, 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 CAPE has not begun the activities authorized herein.

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

The Director may revoke this authorization if CAPE 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.

END OF CONDITIONS

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 CAPE 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

CAPE Environmental, Inc.
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If you have any questions regarding this authorization, please contact Ned O'Loughlin of Ohio EPA, NWDO at (419) 373-3062.

Sincerely,

A handwritten signature in black ink, appearing to read "CWB", is written over the printed name of the sender.

Craig W. Butler
Director

cc: Heather Decker, Richland Public Health
Ken Bender, Richland County Regional Solid Waste Management District
Mike Reiser, DMWM-NWDO
Ned O'Loughlin, DMWM-NWDO
Justin Oliver, CAPE Environmental