



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

DECEMBER 19, 2017

Ohio EPA DEC 19 '17
Entered Directors Journal

Mr. Marcus Lehotay
Utilities Superintendent
City of Fairborn
44 West Hebble Avenue
Fairborn, Ohio 45324

Re: Fairborn Landfill
Director's Authorization
Approval
Municipal Solid Waste Landfills
Greene County
MSWL020052

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

Dear Mr. Lehotay:

On November 16, 2017, the Ohio Environmental Protection Agency (Ohio EPA), Division of Materials and Waste Management (DMWM), Southwest District Office (SWDO), received a request, dated November 13, 2017, titled "OAC 3745-27-13 Authorization Request" (Request). The Request was submitted in accordance with OAC Rule 3745-27-13(E) by the City of Fairborn (City) for the closed Fairborn Landfill (Facility) located at 2373 Beaver Valley Road, Fairborn, 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 activities on land where a solid waste facility was operated. The Facility operated as a municipal solid waste landfill from 1956 to 1987. Specifically, the City is requesting to install a utility pole and dig a trench, approximately 4 inches wide, 10-24 inches deep, and 120 feet long, to bury a line to connect the new utility pole to an existing utility pole at the Facility.

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 November 16, 2017, 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 health or safety or the environment. Therefore, the City and/or its representative 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 authorization, the City and its representative are 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 November 16, 2017. All activities shall be conducted in strict compliance 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 activities associated with this authorization, the City and/or its representative shall submit written notification, which specifies the anticipated date of work commencement, to Ohio EPA, DMWM, SWDO and Greene County 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, the City 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 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, the City 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.

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

No boring or excavation shall occur within the limits of 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, the City and/or its authorized representative 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 60 days after completing the activities authorized through this approval, the City 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).

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

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

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

The Director may revoke this authorization if the City 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.

END OF CONDITIONS

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 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.

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
30 East Broad Street, 4th Floor
Columbus, Ohio 43215

If you have any questions regarding this authorization, please contact Dylan Dyer of Ohio EPA, SWDO at (937) 285-6048.

Sincerely,

A handwritten signature in black ink, appearing to read 'C. Butler', written over a circular stamp or mark.

Craig W. Butler
Director

Attachment

ec: Tracy Buchanan, DMWM, SWDO
Scott Hester, DMWM, CO
Frank Barosky, City of Fairborn
Marcus Lehotay, City of Fairborn
Mark Isaacson, Greene County Public Health