



Mike DeWine, Governor  
Jon Husted, Lt. Governor  
Laurie A. Stevenson, Director

July 7, 2021

Keith Smith, P.E.  
Ohio Department of Transportation- District 8  
505 South State Route 741  
Lebanon, Ohio 45036

Re: Laidlaw Avenue Landfill  
Director's Authorization  
Approval  
Municipal Solid Waste Landfills  
Hamilton County  
MSWL022809

**Subject: Laidlaw Avenue Landfill, Hamilton County  
Ohio Administrative Code (OAC) Chapter 513 Authorization**

Dear Mr. Smith:

On May 6, 2021, the Ohio Environmental Protection Agency (Ohio EPA), Division of Materials and Waste Management (DMWM), Southwest District Office (SWDO) received an application titled, "Authorization Request for Chapter 513" (Application), dated April 5, 2021. The Application was submitted by EMH&T, Inc., on behalf of Ohio Department of Transportation, District 8 (ODOT), for the closed Laidlaw Avenue Landfill (Facility) located at 925 Laidlaw Avenue, Cincinnati, Ohio.

OAC Rule 3745-513-20(A) 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 (Chapter 513 activities). The Facility operated as a municipal solid waste landfill from 1932 to 1980. ODOT seeks to construct a drainage ditch not to exceed two feet in depth and tie back grading along the ditch as part of the reconstruction and widening of interstate I-75. The project will occur within the Facility's limits of waste placement. Additionally, earthwork operations for pavement removal, base preparation, grading, drainage, paving, deep foundation construction, and ballast/track installation for the Berry Yard/SR 562/Norwood Lateral Rail Structure will occur within 300 feet of the Facility.

Based upon a review of the Application submitted in accordance with the requirements of OAC Rule 3745-513-300, I have determined, pursuant to OAC Rule 3745-513-20(A), that the proposed activities, if conducted in accordance with the Application as submitted on May 6, 2021 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, ODOT is hereby authorized to perform the activities outlined in this letter in accordance with the plans, specifications, and information submitted as part of the Application.

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

## CONDITIONS

### General Conditions:

1. This approval grants authorization to perform activities at the Facility in accordance with the Application as submitted on May 6, 2021. All activities shall be conducted in strict accordance with the plans, specifications, and other information submitted as part of the Application. 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 72 hours prior to the start of the activities associated with this authorization, ODOT shall submit written notification, which specifies the anticipated date of commencement, to Ohio EPA, DMWM, SWDO and City of Cincinnati Health Department.
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. For the purposes of erosion control, ODOT 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.

### ORC Chapter 6111

6. Any liquids, semi-solids, industrial wastes, and other wastes regulated by ORC Chapter 6111 that are removed during intrusive activities shall be collected and securely stored until these materials are properly characterized and disposed of in accordance with ORC Chapter 6111 and the regulations promulgated thereunder.

### OAC Rule 3745-513-20(D)(1)

7. This authorization shall terminate 3 years from the date of this letter if ODOT has not begun the activities authorized herein.

### OAC Rule 3745-513-20(E)

8. The director may revoke this authorization if ODOT 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.

OAC Rule 3745-513-350(B)

9. Any person engaging in Chapter 513 activities shall perform activities in a manner that prevents migration of leachate, explosive gas, or toxic gas from the facility.

OAC Rule 3745-513-350(C)

10. No boring or excavation shall occur within the limits of 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. If boring or excavation occurs outside the limits of waste placement at the Facility, ODOT shall not use material consisting of solid waste or hazardous waste to backfill the bored or excavated areas.
12. Any solid and/or hazardous waste to be removed from the Facility shall be collected and securely stored until these materials are properly characterized and disposed of in accordance with Ohio Revised Code (ORC) Chapters 3734. and 6111. and the regulations promulgated thereunder.

OAC Rule 3745-513-350(D)

13. Prior to any disposal of waste or contaminated soil from the Facility, ODOT 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 3745-513-350(D).

OAC Rule 3745-513-350(E)

14. Upon completion of Chapter 513 activities at the Facility, ODOT shall restore the Facility cap to the condition specified in the provisions of Chapter 3734. of the Revised Code and pursuant to OAC Rule 3745-513-350(E). ODOT shall restore the facility cap to the condition specified in the provisions of Chapter 3734. of the Revised Code and pursuant to OAC Rule 3745-513-350(E).

OAC Rule 3745-513-370

15. Not later than 60 days after completing the activities authorized through this approval, ODOT shall submit to Ohio EPA, DMWM, SWDO, a certification report in accordance with OAC Rule 3745-513-370.

**END OF CONDITIONS**

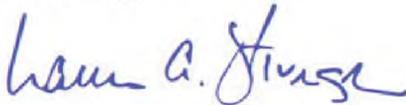
Nothing in this letter shall be construed to authorize any waiver from the requirements of any applicable federal or state laws or regulations except as specified herein. This authorization shall not be interpreted to release ODOT from responsibility under ORC Chapters 3704, 3714, 3734, or 6111; under 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 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, 4<sup>th</sup> 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,



Laurie A. Stevenson  
Director

ec: Jeremy Carrol, DMWM, CO  
Michelle Ackenhausen, DMWM, SWDO  
Keith Smith, ODOT  
Robin Anderson, City of Cincinnati Health Department  
Chuck DeJonckheere, Hamilton County Public Health