



Environmental  
Protection Agency

John R. Kasich, Governor  
Mary Taylor, Lt. Governor  
Scott J. Nally, Director

March 19, 2012

Mr. Matt Mullins  
Senior Environmental/Safety Specialist  
Office of Environmental Quality  
805 Central Avenue, Suite 320  
Cincinnati, Ohio 43202

**CERTIFIED MAIL**

**RE: Notice of Violation  
Acceptance of Prohibited Material in Clean Hard Fill  
Center Hill Landfill, Hamilton County**

Dear Mr. Mullins:

On March 7, 2012, Rick Thornburg and Darryl Pope from the Cincinnati Health Department (CHD), and I from Ohio Environmental Protection Agency (Ohio EPA), Division of Materials and Waste Management (DMWM), Southwest District Office (SWDO), met with you to inspect the continued filling operations at Center Hill Landfill. The city of Cincinnati has been accepting clean hard fill material to raise the elevation and improve the cap of the existing landfill for future development pursuant to the August 1, 2011, Director's approval under Ohio Administrative Code Rule 3745-27-13. The Center Hill Landfill is divided by a roadway and each side has its own designation: 1) South Center Hill, incinerator side - located on the banks of Mill Creek, and 2) North Center Hill, flare side - located next to the closed ELDA Landfill.

On March 2, 2012, Ohio EPA, DMWM, SWDO received your email stating that you had concerns regarding the type of clean hard fill being deposited at the landfill. You stated that the presence of "demolition debris" did not meet the definition of clean hard fill and there appeared to be solid waste mixed in the fill as well. Thus, the purpose of our inspection on March 7, 2012, was to evaluate the clean hard fill material which has been accepted at the landfill.

On March 7, 2012, the weather was sunny, 64°F with gusty winds. During our inspection we began with the South Center Hill side of the landfill. At the time of the inspection, we noted a large flat area of compacted clean hard fill which was comingled with construction and demolition debris (CDD) and solid waste. You informed CHD and Ohio EPA that between January and February of 2012, Nelson Stark who is leasing the landfill, had placed approximately 1600 truckloads or 20,000 cubic yards of this material on site. The material came from Cincinnati Milacron, also known as the Oakley Station, redevelopment site. On the North Center Hill side, we observed a roadway constructed of the same material which extended almost the length of the landfill as well as another

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large flat compacted next to the concrete crushing operation. Again, CDD and solid waste were observed in both the roadway and flat area.

Ohio Administrative Code Rule 3745-400-01(E) defines Clean Hard Fill as:

"Clean hard fill" means construction and demolition debris which consists only of reinforced or nonreinforced concrete, asphalt concrete, brick, block, tile, and/or stone which can be reutilized as construction material...Clean hard fill does not include materials contaminated with ... solid wastes...."

Ohio Administrative Code Rule 3745-400-05 states, in pertinent part:

"Clean hard fill consisting of reinforced or nonreinforced concrete, asphalt concrete, brick, block, tile, or stone shall be managed in ... the following ways: Used in legitimate fill operations for construction purposes or to bring the site up to a consistent grade..."

Ohio Administrative Code Rule 3745-400-01(S) defines illegal disposal of construction and demolition debris as:

"Illegal disposal" means the disposal of construction and demolition debris at any place other than a construction and demolition debris disposal facility, a solid waste disposal facility..."

Ohio Administrative Code Rule 3745-27-01(S)(23) defines solid waste as:

"Solid waste" means such unwanted residual solid or semisolid material, including but not limited to, garbage, scrap tires, combustible and noncombustible material, street dirt and debris, as results from industrial, commercial, agricultural, and community operations, excluding earth or material from construction, mining, or demolition operations, or other waste materials of the type that normally would be included in demolition debris, nontoxic fly ash and bottom ash, including at least ash that results from combustion of coal, biomass fuels, and ash that results from the combustion of coal in combination with scrap tires where scrap tires comprise not more than fifty per cent of heat input in any month, spent nontoxic foundry sand, and slag and other substances that are not harmful or inimical to public health, and includes, but is not limited to, garbage, scrap tires, combustible and noncombustible material, street dirt, and debris. "

Ohio Administrative Code Rule 3745-27-01(O)(4) defines open dumping of solid waste as:

"The deposition of solid wastes... into waters of the state, and also means the final deposition of solid wastes on or into the ground at any place other than a solid waste facility..."

Ohio Administrative Code Rule 3745-27-05 states in pertinent part:

"No person shall conduct, permit, or allow open dumping. In the event that open dumping is occurring or has occurred at a property, the person(s) responsible for the open dumping, the owner of the property, or the person(s) who allow or allowed open dumping to occur, shall promptly remove and dispose or otherwise manage the solid waste in accordance with Chapter 3734. of the Revised Code, and shall submit verification that the solid waste has been properly managed."

The city of Cincinnati is in **violation** of Ohio Administrative Code Rule 3745-400-05 for acceptance of construction and demolition debris at an unlicensed and unpermitted disposal facility.

The city of Cincinnati is in **violation** of Ohio Administrative Code Rule 3745-27-05 for allowing open dumping of solid waste at an unlicensed and unpermitted disposal facility.

The Center Hill Landfill is a closed landfill and has been authorized to accept only clean hard fill material as defined in Ohio Administrative Code Rule 3745-400-01(E).

**Please provide a written response within fourteen (14) days of receipt of this correspondence with a work plan and timeline for the correction of these violations.**

Compliance with the requirements outlined in this letter shall not relieve you of your obligation to comply with other legal obligations, including, but not limited to, Chapters 3704, 3714, 3734, or 6111 of the Ohio Revised Code or under the Federal Clean Water Act, Clean Air Act, Comprehensive Environmental Response, Compensation, and Liability Act, or Resource Conservation and Recovery Act remedying conditions resulting from any release of contaminants to the environment.

Should you have any questions or concerns, please do not hesitate to contact me at (937) 285-6072.

Sincerely,



Holly M. Hillyer  
Environmental Specialist  
Division of Materials and Waste Management

HHH/tf

cc: Rick Thornburg, Cincinnati Health Department

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<p>1. Article Addressed to:</p> <p>MR MATT MULLINS          SENIOR ENVIRONMENTAL/SAFETY SPECIALIST          OFFICE OF ENVIRONMENTAL QUALITY          805 CENTRAL AVENUE, SUITE 320          CINCINNATI, OH 43202</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes          If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type  <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
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