Ohio | Environmental Protection Agency

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

August 9, 2012

RE: South Dayton Dump and Landfill, Moraine, Ohio

Steve Renninger, On-Scene Coordinator
U.S. EPA Region V, Emergency Response Branch
26 West Martin Luther King Drive
Cincinnati, OH 45268

Dear Mr. Renninger:

We received your letter, dated August 3, 2012, requesting Ohio EPA to identify any State applicable or relevant and appropriate requirements (ARARs) which apply to the removal action proposed for the South Dayton Dump site in Moraine, Ohio. We have reviewed the list of proposed actions in your letter and generated a list of State ARARs which is presented in the attached table. The ARAR list was prepared based upon the limited detail in the brief summary of the anticipated actions in your letter. Additional ARARs may be identified in the future as additional detail becomes available or if there are any changes to the scope of the removal action.

Please contact us if there are any questions about compliance with any of the listed rules and laws.

Please call me at (937) 285-6452 if you have any questions.

Sincerely,

Laura K Marshall

Laura Marshall
Site Coordinator
Division of Environmental Response and Revitalization

Attachment

ec: Leslie Patterson, US EPA/RPM

Southwest District Office
401 East Fifth Street
Dayton, OH 45402-2911

937 | 285 6357
937 | 285 6249 (fax)
www.epa.ohio.gov

TABLE 1

State Applicable and Relevant & Appropriate Requirements
Removal Action
South Dayton Dump and Landfill, Moraine, Ohio

Regulation	*Requirement*	*Prerequisite*	*Citation*	*ARAR Determination*	*Comment*
Air	This regulation establishes ambient air quality standards and best available technology for the emissions of carbon monoxide, ozone, and hydrocarbons.	Use of a process emitting one of the listed pollutants.	OAC 3745-21	Applicable	Substantive requirements are applicable for onsite waste treatment operations that may generate regulated hydrocarbon air emissions. This would include vapor intrusion mitigation systems.
Contaminated Site	Establishes a covenant for the restriction of activity and use at contaminated properties by maintaining institutional controls	Remedial actions at sites where waste is left in place.	ORC 5301.80-5301.92	Applicable	Applicable to remedial actions that rely on institutional controls using Ohio's Environmental Covenants Act.
Activities on hazardous or solid waste facilities	Prohibits filling, grading, excavating, building, drilling, or mining on land where a hazardous waste facility or solid waste facility was operated without prior authorization from the Director.	Filling, grading, excavating, building, drilling, or mining activities at a current or former hazardous waste facility or solid waste facility.	ORC 3734.02(H);	Applicable	Substantive requirements are applicable to remedial actions that include excavations onsite.

TABLE 1

State Applicable and Relevant & Appropriate Requirements
Removal Action
South Dayton Dump and Landfill, Moraine, Ohio

Regulation	*Requirement*	*Prerequisite*	*Citation*	*ARAR Determination*	*Comment*
Construction of groundwater monitoring well(s)	Establishes requirements for the installation, maintenance, and abandonment of monitoring wells. Requirements include means and methods of construction and abandonment, prevention of the vertical migration of contaminants or other degradation of groundwater, and maintenance to maintain compliance with new construction.	Installation, maintenance, and abandonment of wells (including temporary) other than for water supply	OAC 3745-9	Applicable	Substantive requirements are applicable to any remedial alternative where well installation and maintenance is required.
Explosive Gas Monitoring Plan for Sanitary Landfill	Requires explosive gas monitoring plans for sanitary landfills.	Pertains to all sanitary landfills except for those that disposed of nonputrescible wastes.	ORC 3734.041	Applicable	Substantive requirements apply to onsite activities that are subject to regulation.

TABLE 1

State Applicable and Relevant & Appropriate Requirements
Removal Action
South Dayton Dump and Landfill, Moraine, Ohio

Regulation	*Requirement*	*Prerequisite*	*Citation*	*ARAR Determination*	*Comment*
Closure of a Solid Waste landfill	These regulations specify the requirements for construction, operation, and closure of solid waste disposal facilities. Requires completion of final closure in a manner that minimizes the need for further maintenance and minimizes post-closure formation and release of leachate and explosive gases to air, soil, ground water, or surface water to the extent necessary to protect human health and the environment.	Closure and post-closure activities of a landfill	OAC 3745-27	Applicable	Substantive requirements are applicable when a landfill is closed with waste left in place. Topics include but are not limited to cap design, groundwater monitoring, explosive gas management, surface water management and design of control structures, pest control, deed notifications, signage, access restrictions, post-closure care, and accumulation of solid waste onsite in containers.
Use of the RCRA Hazardous Waste Management system	These regulations set forth general requirements for the RCRA hazardous waste management system	Generation and management of hazardous waste	OAC 3745-50	Applicable	Substantive requirements are applicable onsite if hazardous waste is generated.
Identification of hazardous waste	Set for definitions and procedures related to the identification and listing of hazardous waste.	Management of hazardous waste	OAC 3745-51	Applicable	Substantive requirements are applicable onsite if hazardous waste is generated.
Management of hazardous waste	These regulations set forth RCRA generator requirements of manifests, pre-transport labeling/marking/placarding, recordkeeping, and reporting	Generation of hazardous waste	OAC 3745-52	Applicable	Substantive requirements are applicable onsite if hazardous waste is generated through removal of any hazardous wastes or hazardous constituents and will be disposed of offsite.

TABLE 1

State Applicable and Relevant & Appropriate Requirements
Removal Action
South Dayton Dump and Landfill, Moraine, Ohio

Regulation	*Requirement*	*Prerequisite*	*Citation*	*ARAR Determination*	*Comment*
Transporting hazardous waste	Set forth RCRA transporter standards for compliance with manifest and record keeping, and cleanup of discharge. Pertains to sites where hazardous waste will be transported off site for treatment, storage, or disposal.	Offsite transportation of hazardous waste	OAC 3745-53	Applicable	Substantive requirements are applicable if hazardous waste is transported on a public roadway that is onsite but outside of and not adjacent to the facility boundary.
Land disposal of hazardous waste	Restricts land disposal of RCRA hazardous wastes; outlines treatment standards and prohibitions on storage of restricted wastes.	Disposal of hazardous waste onsite	OAC 3745-270	Applicable	Substantive requirements are applicable if hazardous waste is disposed of onsite.
Management of solid and hazardous waste	Sets forth requirements for management of solid and hazardous waste.	Generation and management of waste and waste disposal facilities	ORC 3734	Applicable	Substantive requirements are applicable for onsite activities.
Construction of landfills, Incinerators, CAMUs, drip pads, and Miscellaneous Units	These regulations set forth standards for the construction of landfills, Incinerators, CAMUs, drip pads, and Miscellaneous Units	Management of hazardous waste in onsite units.	OAC 3745-57	Applicable	Substantive requirements are applicable only if hazardous wastes are generated and managed (stored or treated) onsite. Hazardous waste unit closure requirements are not applicable for any remedial action at this site.

TABLE 1

State Applicable and Relevant & Appropriate Requirements
Removal Action
South Dayton Dump and Landfill, Moraine, Ohio

Regulation	*Requirement*	*Prerequisite*	*Citation*	*ARAR Determination*	*Comment*
Emission of Air Contaminants	Prohibits emission of an air contaminant in violation of Sec. 3704 or any rules, permit, order, or variance issued pursuant to that section of the Ohio Revised Code.	Conducting any activity that results in emission of an air contaminant in violation of Sec. 3704 or any rules, permit, order, or variance issued pursuant to that section of the ORC.	ORC 3704.05(B)	Applicable	Substantive requirements apply to onsite activities that are subject to regulation.
Emission of Air Pollution Nuisances	Prohibits emission of smoke, ashes, dust, dirt, grime, acids, fumes, gases, vapors, odors, or any other substances or combination of substances, in such manner or in such amounts as to endanger the health, safety, or welfare of the public, or cause unreasonable injury or damage to property.	Conducting any activity that results in an emission of any of the listed contaminants in such a manner as to endanger health, safety, welfare, or property.	OAC 3745-15	Applicable	Substantive requirements would apply to onsite activities that are regulated. None of the listed contaminants will be emitted in a manner or amount that will endanger health, safety, welfare, or property while carrying out any of the response actions.

TABLE 1

State Applicable and Relevant & Appropriate Requirements
Removal Action
South Dayton Dump and Landfill, Moraine, Ohio

Regulation	*Requirement*	*Prerequisite*	*Citation*	*ARAR Determination*	*Comment*
Air Emissions from Hazardous Waste Facilities	Prohibits hazardous waste facilities from emitting any particulate matter, dust, fumes, gas, mist, smoke, vapor, or odorous substance that interferes with the comfortable enjoyment of life or property or is injurious to public health.	Conducting any activity at a hazardous waste facility that results in emission of particulate matter, dust, fumes, gas, mist, smoke, vapor, or odorous substance that interferes with the comfortable enjoyment of life or property or is injurious to public health.	ORC 3734.02(I)	Applicable	Substantive requirements apply to onsite activities that are subject to regulation.
Use of stacks for air emissions	Requires the use of Good Engineering Practice stack heights.	Emitting air contaminants through a stack.	OAC 3745-16-02	Applicable	Substantive requirements apply to onsite activities that are subject to regulation.
Control of Particulate Matter Emissions from Air pollution Sources	This regulation governs and places limits on the particulate matter emissions from air pollution sources.	Conducting any activity which may cause particulate matter to become airborne.	OAC 3745-17	Applicable	During all land disturbing activities reasonable precautions will be taken to prevent particulate matter from becoming airborne.

TABLE 1

State Applicable and Relevant & Appropriate Requirements
Removal Action
South Dayton Dump and Landfill, Moraine, Ohio

Regulation	*Requirement*	*Prerequisite*	*Citation*	*ARAR Determination*	*Comment*
Carbon Monoxide, Ozone, Hydrocarbon Air Quality Standards, and Related Emissions	Specifies measurement methods to determine ambient air quality.	Pertains to any site which will emit carbon monoxide, ozone, or non-methane hydrocarbons.	OAC 3745-21	Applicable	Pertains to any site with treatment systems that emit volatile organic compounds.
Disposal of Refuse, Oil, or Filth	Accumulations of offal, filth, or noisome substances that are a nuisance are prohibited. Obstruction and pollution of any water course is prohibited. Discharges of oil from an oil well, oil tank, oil vat, or place of deposit of crude or refined oil to any surface water body or to any conveyance to a surface water body are prohibited.	Conducting any onsite activity that may result in a nuisance.	ORC 3767.13 (B) and (C); and 3767.14	Applicable	Substantive requirements are applicable for onsite discharges or disposal.
Hazardous waste management -- container storage	This regulations governs the use and management of containers used to store hazardous waste	Storage of hazardous waste in containers.	OAC 3745-55-70 to -78	Applicable	Substantive requirements are applicable all activities which include on-site storage of hazardous waste in containers