

2017



2017

## Construction and Demolition Debris Facility License

License Expires December 31, 2017

<b>Facility:</b> Burger Environmental Inc CID: 53501 7945 Main St Newtown, OH 45244	<b>Applicant:</b> Burger Environmental Inc 7945 Main St Newtown, OH 45244
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This license has been issued in accordance with the requirements of state law, is subject to revocation or suspension for cause, and is not transferable without the consent of the Board of Health and the Director of the Ohio Environmental Protection Agency.

**Licensing Authority: Hamilton County Public Health**

### Conditions of Licensure

The Licensee hereunder, its agents, employees, and all others in active concert with said licensee, including the facility owner and operator, shall be subject to and shall comply with the following conditions of the this license:

1. All applicable requirements of Ohio Revised Code Chapters 3714., 3734., 6111., and 3704.
2. All applicable requirements of Ohio Administrative Code Chapters 3745-37, 3745-400, and Rule 3745-520-50.
3. Plans, other authorizing documents and administrative and judicial orders applicable to this facility and as approved by the Ohio Environmental Protection Agency and/or the licensing authority.
4. By applying for and accepting this license, the licensee specifically consents in advance and agrees to allow the Director, the Health District, or an authorized representative, to enter upon the licensee's premises at any reasonable time during the construction and/or operation of the facility for the purpose of inspecting, conducting tests, collecting samples, or examining records or reports pertaining to construction, modification, installation, or operation of the facility. The licensee hereby acknowledges and agrees that any and all rights of access granted herein shall not be deemed to be unreasonable or unlawful under Ohio Revised Code Sec. 3714.08.

The licensee, its agents, employees, and all others in active concert with said licensee shall maintain and operate the construction and demolition debris facility to which the license pertains in a sanitary manner so as not to create a nuisance, create a fire hazard, cause or contribute to water pollution, or create a health hazard. This license shall not be construed to constitute a defense to any civil or criminal action brought by the State of Ohio or any duly authorized representative thereof to enforce the provisions of Chapters 3714, 3734, 3767, 6111, or 3704 of the Ohio Revised Code, or the rules adopted thereunder.

Issuance of this license does not relieve the licensee of the duty to comply with all applicable federal, state, and local laws, regulations and ordinances.

If Checked, Additional Conditions Apply to This License (See Back, or Attachment)

  
 \_\_\_\_\_  
 Health Commissioner

December 29, 2016  
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 Date Issued

## Hamilton County General Health District



PREVENT. PROMOTE. PROTECT.

*Timothy I. Ingram*  
*Health Commissioner*

*250 William Howard Taft Road, 2nd Floor*  
*Cincinnati, OH 45219*

*Phone 513.946.7800*  
*Fax 513.946.7890*

*hamiltoncountyhealth.org*

### **Burger Environmental Inc. (CID:53501) Construction and Demolition Debris Facility 7945 Main Street, Newtown, OH 45244**

## **2017 Special Terms and Conditions**

### **License Summary**

This summary is an attachment to the issuance of the 2017 License for Burger Environmental Inc. (Facility). The Facility is owned and operated by Russell Burger. The Facility received its 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015 and 2016 licenses. The Facility is defined as 46.2 acres in the Village of Newtown, Hamilton County.

The Facility has been inspected by Hamilton County General Health District (Health District) 26 times during the fourth quarter of 2015 and the first three quarters of 2016 (October 1, 2015 through September 30, 2016). The inspections were conducted on the following dates:

<b>4<sup>TH</sup> QUARTER 2015</b>		<b>1<sup>ST</sup> QUARTER 2016</b>	
<b>10/2/15</b>	<b>11/12/15</b>	<b>1/12/16</b>	<b>3/2/16</b>
<b>10/12/15</b>	<b>11/25/15</b>	<b>1/25/16</b>	<b>3/11/16</b>
<b>10/23/15</b>	<b>12/7/15</b>	<b>2/1/16</b>	<b>3/21/16</b>
		<b>2/18/16</b>	
<b>2<sup>ND</sup> QUARTER 2016</b>		<b>3<sup>RD</sup> QUARTER 2016</b>	
<b>4/4/16</b>	<b>5/16/16</b>	<b>7/5/16</b>	<b>8/19/16</b>
<b>4/21/16</b>	<b>6/1/16</b>	<b>7/18/16</b>	<b>9/1/16</b>
<b>5/5/16</b>	<b>6/8/16</b>	<b>7/27/16</b>	<b>9/14/16</b>
		<b>8/8/16</b>	

No NOV's were issued during the fourth quarter of 2015 and the first three quarters of 2016.

### **Groundwater**

Ohio EPA's Division of Drinking and Ground Water has begun conducting hydrogeologic investigations of C&DD facilities pursuant to ORC 3714.071. Results of the investigation were shared with the facility and discussed on February 10, 2016. As a result, two additional wells were voluntarily installed to better assess groundwater levels and facility impact. A round of groundwater sampling was conducted by the facility with a report of results dated August 29, 2016. Those results are being forwarded to Ohio EPA for review.

### **Modification**

The facility has been working on a design modification that will allow for redevelopment of the site. On December 2, 2016, completely redrawn plan sheets were submitted for consideration. These plans are currently under review, upon a satisfactory review, a modification approval will be issued under separate cover.

This summary is provided solely for informational purposes and does not constitute a part of, or otherwise affect, the attached license.

### **Special License Terms and Conditions**

- 1) The Facility shall perform annual sampling of the groundwater wells (MW #1, MW #2, MW #3, MW #4, MW #5) or equivalent for parameters one (1) through nineteen (19) in Appendix of Rule OAC 3745-400-10 and one (1) through seventy-seven (77) in Rule OAC 3745-400-21 (or as amended).

The Health District is to be notified at least seven days prior to collection of samples so that split samples may be obtained.

Results, potentiometric map, and report are due to the Health District by September 30, 2017. The groundwater report must meet the requirements of OAC 3745-400-10 (B). If statistics are performed, documentation must be submitted in the groundwater report showing all supporting calculations for statistical evaluations and determinations.

**Failure to submit groundwater results, potentiometric map, and report by the due date will result in the delay of the license application review and/or issuance of the 2018 license.**

*Note: If the facility has entered into an agreement or been issued director's final findings and orders with respect to groundwater monitoring,*

*those orders supersede this condition.*

- 2) The Facility shall use low flow sampling during monitoring to reduce turbidity levels below 5 NTUs. If the 5 NTUs are not practical to achieve after employing sampling and developing techniques acceptable to the Health District, the Facility may suggest alternate achievable levels to the Health District. If samples are filtered to reduce turbidity, both Total and Dissolved metals must be analyzed and reported.

*Note: If the facility has entered into an agreement or been issued director's final findings and orders with respect to groundwater monitoring, those orders supersede this condition.*

- 3) The Facility shall follow the Fire Prevention Plan as submitted and approved by the Health District. The exposed combustible waste materials will be completely covered at the end of every month with noncombustible material. Cover shall be reapplied in the former working face areas as necessary to prevent exposure of C&DD materials.
- 4) The Health District is to be notified in writing before the Facility intends to accept any fly ash, bottom ash, or spent foundry sand. The notification shall include the origin of the material and toxic characteristic leaching procedure results when appropriate. The Health District will notify the Facility of the Health District's approval in writing.
- 5) The Facility shall continue to pick solid waste from the unloading zone prior to pushing into the working face. All solid waste received by the Facility is to be rejected, removed, and properly disposed. Debris that has been spread, compacted, and buried or partially buried will be considered accepted for disposal.
- 6) The Facility shall submit the financial assurance instrument in accordance with OAC 3745-400-13 and OAC 3745-400-25.
- 7) The Facility shall remove and properly dispose of solid waste containers to avoid causing a nuisance or health hazard. Full containers of solid waste shall be removed from the facility within 7 days.
- 8) The Facility shall monitor the landfill for standing water and re-grade to promote positive drainage.
- 9) In order to demonstrate compliance with OAC-3745-400-11(B)(2), and in accordance with OAC-3745-400-11(D), the Facility shall install and/or

maintain professionally surveyed markers that clearly delineate the Active License Disposal Area (ALDA) as approved for the facility's current license year. The number of markers and materials used must be acceptable to the Health District. For example, painted bollard poles or 2'x2'x6' concrete blocks marking the corners of the ALDA with intermediate posts or stakes providing a line-of-sight boundary line would be acceptable. Surveyed marker coordinates are to be recorded and submitted to the Health District.

- 10) The Facility will immediately notify the Health District in the event of any fire or other abnormal situation involving the landfill by calling 513-946-7879.
- 11) The Facility shall submit an updated survey of elevations. The drawing must satisfy Ohio Administrative Code (OAC) Chapter 3745-400-07(G)(1)(a) with current debris elevations overlaid by the designed final grade of the limits of debris placement. Any exceedance of current elevation over the designed final grade shall be clearly indicated in color highlight (isopach). Electronic drawings with layers in PDF format are preferred. Surveys conducted in the years 2016 or 2017 will be accepted. The drawing must show date of survey. The drawing may be submitted prior to or with the 2018 license application. This is being required under OAC Chapter 3745-37-02 (A)(3).

### **End of Special Terms and Conditions**