



State of Ohio Environmental Protection Agency

STREET ADDRESS:

Lazarus Government Center
50 W. Town St., Suite 700
Columbus, Ohio 43215

TELE: (614) 644-3020 FAX: (614) 644-3184
www.epa.state.oh.us

MAILING ADDRESS:

P.O. Box 1049
Columbus, OH 43216-1049

August 13, 2009

Ms. Robin Jones, Manager
Waste Management of Ohio, Inc.
4010 Powell Road
Huber Heights, OH 45424

**Re: Closed Seneca East Recycling and Disposal Facility, Seneca County
Ohio Administrative Code (OAC) Rule 3745-27-13 Authorization**

Dear Ms. Jones:

On March 10, 2009, the Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM), Northwest District Office (NWDO) received a request from H.C. Nutting, submitted on behalf of Waste Management of Ohio, Inc. (WMO) pursuant to OAC Rule 3745-27-13, to engage in filling, grading, excavating, building, drilling, or mining activities at the closed Seneca East Recycling and Disposal Facility (Facility) located in Seneca County. Revisions to the request and additional information were received by email on June 5, 2009.

OAC Rule 3745-27-13 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. Specifically, WMO proposes to remove the western portion of the access road, the immediately adjacent surface water drainage channel, and a surface water drainage berm in order to improve the flow of surface water off of the landfill surface. WMO also proposes to fill low areas in the cover soil on top of the landfill so that surface water no longer ponds. The proposed activities are not expected to disturb the landfill cap system or disposed waste.

Based upon a review of the request, I have determined, pursuant to OAC Rule 3745-27-13, that the proposed activities will not result in a violation of applicable laws or regulations, will not create a nuisance, and are unlikely to adversely affect the public safety or health or the environment. Therefore, WMO is hereby authorized to perform the activities outlined in this letter in accordance with the submitted and approved plans, specifications, and information.

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

As part of this authorization, WMO is subject to the following conditions:

CONDITIONS

1. Ohio EPA, NWDO, DSIWM and the Seneca County General Health District shall be notified in writing at least seven calendar days prior to commencement of the activities associated with this authorization.
2. Any solid and/or hazardous wastes to be removed from the Facility shall be containerized and securely stored until these materials are properly characterized and disposed in accordance with Ohio Revised Code (ORC) Chapter 3734 and the regulations promulgated thereunder.
3. Copies of receipts for the disposal of any waste removed from the Facility shall be submitted within the certification report required by OAC Rule 3745-27-13(H)(10).
4. If, during any activity authorized by this approval, suspected hazardous waste is encountered, construction activities shall cease and Ohio EPA, NWDO, DSIWM and the Division of Hazardous Waste Management shall be notified immediately.
5. If, during any activity authorized by this approval, explosive gas is encountered, Ohio EPA, NWDO, DSIWM shall be notified by the end of the work day.
6. This approval grants authorization to perform activities at the Facility in accordance with the request titled *OAC 3745-27-13 Application for Surface Water Maintenance*, received on March 10, 2009, with revisions received on June 5, 2009, only. All activities shall be conducted in strict accordance with the plans, specifications, and information submitted as part of this 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.
7. All activities undertaken shall not create a nuisance and shall not adversely affect public safety or health or the environment.

8. 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 runoff and runoff, and protection of ground water.
9. The Director may revoke this authorization if WMO 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.
10. Nothing in this letter shall be construed to authorize any waiver from the requirements of any applicable federal or state laws or regulations. This authorization shall not be interpreted to release WMO or others 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.

END OF CONDITIONS

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 which the Commission, in its discretion, may reduce if by affidavit you demonstrate 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
309 South Fourth Street, Room 222
Columbus, OH 43215

Robin Jones, Manager
Closed Seneca East RDF
Page 4 of 4

If you have any questions concerning this authorization, please contact Richard Mazur of Ohio EPA, NWDO at (419) 373-3063.

Sincerely,

Chris Korleski
Director

cc: Jim Mohrman, Seneca County General Health District
Ed Merriman, DSIWM, NWDO
Richard Mazur, DSIWM, NWDO
Mike Beal, DDAGW, NWDO
Mary Beth Cohen, DSW, NWDO