



State of Ohio Environmental Protection Agency

OHIO E.P.A.

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NOV - 1 2010

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ENTERED DIRECTOR'S JOURNAL

NOV 1 2010

I certify this to be a true and accurate copy of the official documents as filed in the records of the Ohio Environmental Protection Agency.

Chris Stuhm
Acting Director of Public Service
City of Westlake
27216 Hilliard Blvd
Westlake, OH 44145

By: [Signature] Date: 11/1/2010

**Re: Closed City of Westlake Sanitary Landfill, Cuyahoga County
Ohio Administrative Code (OAC) Rule 3745-27-13 Request**

Dear Mr. Stuhm:

On July 22, 2010, Ohio EPA Northeast District Office (NEDO) Division of Solid and Infectious Waste Management (DSIWM) received a request, pursuant to OAC Rule 3745-27-13, for the closed City of Westlake Sanitary Landfill (Facility), located in Cuyahoga County. The request, dated July 7, 2010, was prepared and submitted by Earth Consulting, Ltd., on behalf of the City of Westlake (City). Revisions to the request dated September 6, 2010 were received on September 7, 2010.

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, the City proposes to install passive gas venting wells in the vicinity of gas monitoring well GW3R at the Facility.

Based upon a review of the request submitted on July 22, 2010 and revised on September 6, 2010, I have determined, pursuant to OAC Rule 3745-27-13, that the proposed activities, if conducted in accordance with the request and the following conditions, 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, the City is hereby authorized to perform the activities outlined in this letter in accordance with the submitted plans, specifications, and information.

This authorization is subject to the following conditions:

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

Ohio EPA is an Equal Opportunity Employer

CONDITIONS

1. This authorization grants permission to install passive gas venting wells at the Facility in accordance with the request titled "Request for Authorization to Engage in Drilling Activities at a Portion of the Former City of Westlake Sanitary Landfill Pursuant to OAC 3745-27-13" dated July 7, 2010, revised September 6, 2010, 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 authorized plans without prior written authorization from Ohio EPA. Any future activities may require additional Ohio EPA authorization.
2. Not later than seventy-two (72) hours prior to the start of activities associated with this authorization, the City shall submit written notification which specifies the anticipated date of work commencement to Ohio EPA, DSIWM, NEDO, and the Cuyahoga County Health Department.
3. All on-site activities shall be performed in a manner that prevents migration of leachate, explosive gas, or toxic gas from the Facility.
4. All activities undertaken shall not create a nuisance and shall not adversely affect public safety or health or the environment.
5. All solid and/or hazardous waste to be removed from the Facility shall be containerized and securely stored until these materials are properly characterized and disposed of in accordance with Ohio Revised Code (ORC) Chapter 3734 and the regulations promulgated thereunder.
6. All liquids, semi-solids, industrial wastes, and other wastes regulated by ORC Chapter 6111 that are removed during intrusive activities shall be containerized and securely stored until these materials are properly characterized and disposed of in accordance with ORC Chapter 6111 and the regulations promulgated thereunder.
7. Prior to removal of waste or contaminated soil from the Facility, the City 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, DSIWM, NEDO pursuant to OAC Rule 3745-27-13(H)(4).
8. Not later than sixty (60) days after completing the activities authorized by this approval, the City shall submit to Ohio EPA, DSIWM, NEDO a certification report in accordance with OAC Rule 3745-27-13(H)(10).

9. 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.
10. The City shall take measures to control fugitive dust and other air emissions that may result from activities authorized by this approval.
11. Any portions of the landfill where the final cover system is removed or damaged by activities conducted pursuant to this authorization shall have the final cover system re-established in accordance with OAC Rule 3745-27-13(H)(9).
12. In accordance with OAC Rule 3745-27-13(M), this authorization shall terminate three (3) years after its effective date if the City has not begun the activities authorized herein.
13. In accordance with OAC Rule 3745-27-13(K), the Director may revoke this authorization if the City violates, or is likely to violate, any applicable law or if continued implementation of the authorized plans may cause a threat to human health or safety or the environment.
14. Nothing in this letter shall be construed to authorize any waiver from any requirements of applicable state solid waste laws or regulations. This authorization shall not be interpreted to release the City 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.

You are hereby notified that this action of the Director is final and may be appealed to the Environmental Review Appeals 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 "Ohio Treasurer Kevin Boyce," 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

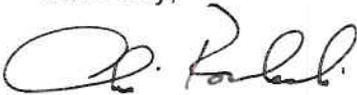
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General's Office, Environmental Enforcement Section. An appeal may be filed with the Environmental Review Appeals Commission at the following address:

Environmental Review Appeals Commission
309 South Fourth Street, Room 222
Columbus, OH 43215

If you have any questions concerning this authorization, please contact Judy Bowman of Ohio EPA, NEDO at (330) 963-1238.

Sincerely,



Chris Korleski
Director, Ohio EPA

CK/JB/cl

cc: Scott Hester, DSIWM-CO
Lynn Sowers, DSIWM-NEDO
Cuyahoga County Board of Health
Fraser Hamilton, Earth Consulting, Ltd.