



State of Ohio Environmental Protection Agency

STREET ADDRESS:

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Columbus, Ohio 43215

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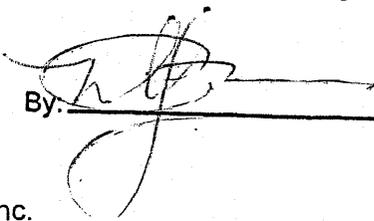
MAILING ADDRESS:

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

**CERTIFIED MAIL**

July 10, 2008

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.

By: 

Date: 7-10-08

Mr. Dean Jetter  
Fort Recovery Industries, Inc.  
2440 State Route 49  
Fort Recovery, Ohio 45846

OHIO E.P.A.  
JUL 10 2008  
DIRECTOR'S JOURNAL

**RE: Amended Post-Closure Plan Approval  
Fort Recovery Industries OHD 005 046 149 (Mercer County)**

Dear Mr. Jetter:

On April 28, 2008, Fort Recovery Industries (FRI) submitted to Ohio EPA an amended Baseline Modified Post-Closure Plan (BMPCP) for landfill-closed RCRA units including five sludge lagoons (surface impoundments), two sludge pits and a spill area located at 2440 State Route 49, Fort Recovery, Ohio. Revisions to the amended BMPCP were received on May 30, 2008. The amended BMPCP was submitted pursuant to Rule 3745-66-18 of the Ohio Administrative Code (OAC) in order to demonstrate that FRI's proposal for the amended BMPCP complies with the requirements of OAC Rules 3745-66-11 and 3745-66-18.

The owner or operator and the public were given the opportunity to submit written comments regarding the amended BMPCP in accordance with the hazardous waste rule requirements. No public comments were received by Ohio EPA.

Based upon Ohio EPA's review of FRI's submittal and subsequent revision, I conclude that the amended BMPCP for the hazardous waste facility at 2440 State Route 49, Fort Recovery, Ohio, as modified herein, meets the performance standard contained in OAC Rule 3745-66-11 and complies with the pertinent parts of OAC Rule 3745-66-18.

The amended BMPCP submitted to Ohio EPA on April 28, 2008, and revised on May 30, 2008 by FRI is hereby approved. Compliance with the approved BMPCP is expected. Ohio EPA will monitor such compliance. Ohio EPA expressly reserves the right to take action, pursuant to chapters 3734. and 6111. of the Ohio Revised Code, and other applicable law, to enforce such compliance and to seek appropriate remedies in the event of noncompliance with the provisions and modifications of this approved closure plan. Please be advised that approval of this amended BMPCP does not release FRI from any responsibilities regarding corrective action for all releases of hazardous waste or constituents from any waste management unit, regardless of the time at which waste was placed in the unit.

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

You are hereby notified that this action of the Director is final and may be appealed to the Environmental Review Appeals Commission pursuant to Section 3745.04 of the Ohio Revised Code. 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 Environmental Review Appeals Commission at the following address:

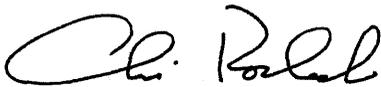
Environmental Review Appeals Commission  
309 South Fourth Street, Room 222  
Columbus, OH 43215

When post-closure is completed, OAC Rule 3745-66-20 requires the owner or operator of a facility to submit to the Director of Ohio EPA, certification by the owner or operator and an independent, registered professional engineer, that the post-closure care period was performed in accordance with the approved post-closure plan. The certification by the owner or operator shall include the statement found in OAC Rule 3745-50-42(D). These certifications should be submitted to:

Ohio Environmental Protection Agency  
Division of Hazardous Waste Management  
Attention: Dave Sholtis, Assistant Chief  
Regulatory and Information Services Section  
P.O. Box 1049  
Columbus, Ohio 43216-1049

Should you have any questions, please contact Lynn Ackerson at 419-373-4113.

Sincerely,



Chris Korleski  
Director

pc: Dave Sholtis, Assistant Chief, DHWM, CO  
Ed Lim, Manager, ERAS, DHWM, CO  
Dale Meyer, EPA, Region 5  
Lynn Ackerson, DHWM, NWDO

ec: Jeremy Carroll, Supervisor, Engineering Unit, DHWM, CO  
John Schierberl, Supervisor, Enforcement Unit, DHWM, CO  
Michael Terpinski, DHWM, NWDO  
Tina Jennings, DHWM, CO  
John Weaver, DDAGW, NWDO