



State of Ohio Environmental Protection Agency

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DEC 18 2003

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ENTERED DIRECTOR'S JOURNAL

DEC 18 2003

Ms. Lea Boyas-Morabito
Peter J. Limited
10055 Sweet Valley Drive
Valley View, OH 44152

D. Peoples 12/18/03

**Re: R&B Development Landfill, Cuyahoga County
Explosive Gas Monitoring Plan Approval**

Dear Ms. Boyas:

On May 7, 2002, the Ohio Environmental Protection Agency (Ohio EPA) received an explosive gas monitoring plan for the closed R&B Development Landfill located in the city of Garfield Heights in Cuyahoga County. The plan was submitted by McCabe Engineering Corporation on behalf of Peter J. Limited. The explosive gas monitoring plan was prepared in accordance with Ohio Administrative Code (OAC) Rule 3745-27-12, as effective on June 1, 1994. However, on August 15, 2003, that rule was amended. Ohio EPA reviewed the submitted plan in accordance with the new rule, and we have determined that it meets the applicable requirements. Therefore, I hereby approve the explosive gas plan, submitted on May 7, 2002, for the closed R&B Development Landfill. As part of this approval, Peter J. Limited is subject to the following conditions:

1. Within 12 months from the effective date of this approval, Peter J. Limited shall implement the explosive gas monitoring system. Implementation shall include installation and monitoring of temporary and permanent monitors pursuant to OAC Rule 3745-27-12(E).
2. Issuance of this approval does not constitute expressed or implied agreement that the monitoring of the facility performed and implemented in accordance with the approved explosive gas monitoring plan and/or its terms and conditions will constitute compliance with applicable federal and state laws, rules, and regulations, nor does issuance of this plan approval assure that necessary operating permits or licenses will be granted.
3. Nothing in this letter shall be construed to authorize any waiver from the requirements of any applicable state solid waste laws or regulations. Furthermore, this authorization shall not be interpreted to release Peter J. Limited

Bob Taft, Governor
Jennette Bradley, Lieutenant Governor
Christopher Jones, Director

or others from responsibility under Ohio Revised Code (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 of Environmental Protection is final and may be appealed to the Environmental Review Appeals Commission pursuant to ORC Section 3745.04. The appeal must be made in writing and set forth the action complained of and the grounds upon which the appeal is based. It must be filed with the commission within 30 days after notice of the director's action. A copy of the appeal must be filed with the director within three days of filing with the commission. An appeal may be filed with the commission at the following address:

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

If you have any questions concerning this authorization, please contact Karen Naples of Ohio EPA's Northeast District Office at (330) 963-1244.

Sincerely,



Christopher Jones
Director

cc: Katharina Snyder, DSIWM, NEDO
Eric Adams, DSIWM, NEDO
Scott Hester, DSIWM, CO
Vince Caraffi, Cuyahoga County Board of Health