



State of Ohio Environmental Protection Agency

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Mr. Ron Murphy
Director of Utilities
City of Amherst
647 Park Avenue
Amherst, Ohio 44001

**Re: City of Amherst Landfill, Lorain County
Explosive Gas Monitoring Plan Approval**

Dear Mr. Murphy:

On November 20, 2002, the Ohio Environmental Protection Agency (Ohio EPA) received a document titled "*Explosive Gas Monitoring Plan, City of Amherst, 1103 Pyle South Amherst Road Solid Waste Facility*", dated August 2002. Revisions were received on June 25, 2003. This document represents the explosive gas monitoring plan for the City of Amherst Landfill. The document was prepared by E3 Environmental, Inc., on behalf of the City of Amherst (Amherst). The explosive gas monitoring plan was prepared in accordance with Ohio Administrative Code (OAC) Rule 3745-27-12, as effective June 1, 1994.

The explosive gas monitoring plan for the closed City of Amherst Landfill, including revisions through June 2003, is hereby approved subject to the following conditions:

1. The explosive gas monitoring plan shall be implemented at the City of Amherst Landfill, in accordance with the plan titled "*Explosive Gas Monitoring Plan, City of Amherst, 1103 Pyle South Amherst Road Solid Waste Facility*" and revised June 25, 2003. All activities shall be conducted in strict accordance with the plans, specifications, and information submitted as part of this plan. There may be no deviation from the approved plan without the express written approval of Ohio EPA. Any future activities may require additional Ohio EPA approval.
2. Ohio EPA, Northeast District Office (NEDO), Division of Solid and Infectious Waste Management (DSIWM) and the Lorain County General Health District shall receive written notice not later than 72 hours prior to commencement of proposed activities.
3. Within 90 days from the effective date of this approval, Amherst shall implement the explosive gas monitoring plan. Implementation shall include installation and monitoring of temporary and permanent monitors, pursuant to OAC Rule 3745-27-12(E)(1).

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

4. Within 90 days from the effective date of this approval, Amherst shall install an additional explosive gas monitoring well on the northern side of the on-site office building during the installation of the monitoring system required by Condition No. 3, above.
5. If, during the installation of any of the permanent explosive gas monitors, drilling activities extend into the ground water aquifer system, the well shall be backfilled with bentonite to at least one foot above the top of the aquifer system.
6. Within 180 days from the effective date of this approval, Amherst shall submit the certification report for construction of the explosive gas monitoring system in accordance with the request noted in Condition No. 1, above.
7. Amherst shall submit manuals for the equipment to be used to monitor the temporary and permanent wells at the landfill with the certification report for construction of the explosive gas monitoring system.
8. Amherst shall obtain letters of acknowledgment from the Lorain County General Health District and the local police department stating that they will respond upon notification of explosive gas concentrations and submit them with the certification report for construction of the explosive gas monitoring system. If Amherst does not receive the letters, copies of certified mail receipt slips verifying that requests were sent to these entities shall be submitted with the certification report for construction of the explosive gas monitoring system.
9. Upon the abandonment of any permanent explosive gas wells, Amherst shall grout the top two feet of the well with bentonite or a bentonite-soil mixture.
10. Issuance of this explosive gas monitoring plan approval does not constitute expressed or implied agreement that 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.
11. 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 Amherst 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 from the facility 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 (Commission) pursuant to Ohio Revised Code 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 30 days after notice of the director's action. Notice of the filing of the appeal shall be filed with the director within three days after the appeal is filed 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 Virginia Wilson of Ohio EPA NEDO at (330) 963-1180.

Sincerely,

Christopher Jones
Director

cc: Clarissa Gereby, DSIWM-NEDO
Murat Tukul, DSIWM-NEDO
Scott Hester, DSIWM-CO
Bill Van Curan, Lorain County General Health District

CJ/VW/cl