



State of Ohio Environmental Protection Agency

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Mr. Kitt C. Cooper
C&DD Acquisitions, Ltd.
35 E. Livingston Avenue
Columbus, Ohio 43215

**Re: Harmony Environmental, Ltd., Morrow County
Director's Determination Pursuant to Uncodified Section 3.(A) of H.B. 397**

Dear Mr. Cooper:

On December 23, 2005, the Ohio Environmental Protection Agency (Ohio EPA), Office of the Director, received your request for a Director's determination pursuant to uncodified Section 3.(A) of Amended Substitute House Bill 397. The letter was submitted on behalf of Harmony Environmental, Ltd., and requests that the Director make a determination regarding the applicability of this division to Harmony Environmental, Ltd.'s license application to establish a new construction and demolition debris (C&DD) facility in Harmony Township, Morrow County.

In accordance with Section 3.(A), a license application submitted prior to July 1, 2005, shall be reviewed and the license shall be issued or denied in accordance with the provisions of Ohio Revised Code (ORC) Chapter 3714 as they existed on July 1, 2005, if the Director determines that this division applies to an applicant. In order for this division to apply, the following four criteria must be satisfied:

1. The applicant has acquired an interest in the property on which the facility will be located on or before May 1, 2005.
2. The applicant has begun a hydrogeologic investigation pursuant to Ohio Administrative Code (OAC) Rule 3745-400-09 prior to submitting the application.
3. The applicant has begun the engineering plans for the facility prior to submitting the application.
4. The application submitted by the applicant would have been determined to be complete if a moratorium had not been in effect.

Bob Taft, Governor
Jennette Bradley, Lieutenant Governor
Joseph P. Koncelik, Director

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Ohio EPA has reviewed your request and associated information, and has determined that uncodified Section 3.(A) of Amended Substitute House Bill 397 applies to Harmony Environmental, Ltd. Therefore, the license application to establish a C&DD facility submitted by Harmony Environmental, Ltd. shall be reviewed and the license shall be issued or denied pursuant to the provisions of ORC Chapter 3714 as they existed on July 1, 2005.

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. A copy of the appeal must be served on the Director within three (3) days after 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 regarding this determination, please contact Duane Snyder of Ohio EPA, Central District Office at (614) 728-3880.

Sincerely,

Joseph P. Koncelik
Director

JPK/DS/JS/sw

cc: Duane Snyder, DSIWM-CDO
Scott Hester, DSIWM-CO
Morrow County Health Department