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Mr. Michael J. Stepic
URS Corporation
564 White Pond Drive
Akron, Ohio 44320

**Re: Total Waste Logistics Girard, LLC, Trumbull County
Director's Determination Pursuant to Uncodified Section 3.(A) of H.B. 397**

Dear Mr. Stepic:

On April 3, 2006, the Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM) 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 Total Waste Logistics Girard, LLC (TWL), and requests that the director make a determination regarding the applicability of this division to TWL's license application to establish a new construction and demolition debris (C&DD) facility in the city of Girard, Trumbull County. The Girard Health Department received the license application on June 27, 2005.

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
Bruce Johnson, Lieutenant Governor
Joseph P. Koncelik, Director



Mr. Michael J. Stepic
Total Waste Logistics Girard, LLC
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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 TWL. Therefore, the license application to establish a C&DD facility submitted by TWL 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 of Ohio EPA 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. It must be filed with the Commission within 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 days after 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 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 Eric Adams of Ohio EPA, Northeast District Office at (330) 963-1185.

Sincerely,

Joseph P. Koncelik
Director

JPK/JS/sw

cc: Eric Adams, DSIWM-NEDO
Scott Hester, DSIWM-CO
Girard Health Department