



**Environmental
Protection Agency**

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

OHIO E.P.A.

FEB 17 2012

ENTERED DIRECTOR'S JOURNAL



February 17, 2012

William R. Beach, CPG
Supervisor, Energy Delivery Services
FirstEnergy
76 South Main St.
Akron, Ohio 44308

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: Domy Kassler Date: 2/17/12

**Re: Gradel Landfill, Lucas County
Ohio Administrative Code 3745-27-13 Authorization**

Dear Mr. Beach:

On January 19, 2012, the Ohio Environmental Protection Agency (Ohio EPA), Division of Materials and Waste Management (DMWM), Northwest District Office (NWDO) received a request from FirstEnergy, pursuant to Ohio Administrative Code (OAC) Rule 3745-27-13, to excavate within the footprint of the closed Gradel Landfill (Facility) and install a wooden frame electrical utility structure. A revision to the request was received on February 1, 2012. The Facility is located at 1100 Otter Creek Road, Oregon, in Lucas County, Ohio and is owned by Valued Homes, LLC. FirstEnergy has access rights through an easement.

OAC Rule 3745-27-13 requires authorization from the Director of Ohio EPA (Director) before engaging in filling, grading, excavating, building, drilling, or mining on land where a solid waste facility was operated. Specifically, FirstEnergy is proposing to install a new wooden H-frame two-pole, double circuit tangent structure with post insulators within the limits of solid waste. The structure is necessary for the replacement of existing electrical transmission lines passing directly over the Facility. The work will include removing the existing cover, installing the structure, and reconstructing the final cover.

Based upon a review of the request, I have determined, pursuant to OAC Rule 3745-27-13, that the proposed activities, if conducted in accordance with the request and the following conditions, will not result in a violation of applicable laws or regulations, will not create a nuisance, and are unlikely to adversely affect the public safety or health or the environment. Therefore, FirstEnergy is hereby authorized to perform the proposed activities in accordance with the plans, specifications, and information submitted as part of this request. As part of this authorization, FirstEnergy is subject to the following conditions:

CONDITIONS

1. This approval grants FirstEnergy authorization to perform activities at the Facility in accordance with the request titled "OAC Rule 3745-27-13 Request for the Installation of the Wooden H Frame Electrical Post at the Gradel Landfill, Lucas County, Ohio," received on January 19, 2012 and revised on February 1, 2012. All activities shall be conducted in strict accordance with the plans, specifications, and other information submitted which constitute this request. There may be no deviation from the approved request without prior written authorization from Ohio EPA. Any future activities at the Facility may require additional Ohio EPA approval.
2. The Director, or a representative authorized by the Director, may enter the Facility at any time to make inspections, conduct tests, or examine records and reports pertaining to the authorized activities.
3. All on-site activities shall be accomplished in compliance with all applicable state and federal laws and regulations pertaining to environmental protection, including but not limited to the control of air pollution, leachate, surface water run-on and run-off, and protection of ground water.
4. All activities undertaken shall not create a nuisance and shall not adversely affect public safety or health or the environment.
5. All solid and/or hazardous wastes to be removed from the Facility shall be containerized and securely stored until these materials are properly characterized and disposed in accordance with Ohio Revised Code (ORC) Chapter 3734 and the regulations promulgated thereunder.
6. All liquids, semi-solids, industrial wastes, and other wastes regulated by ORC Chapter 6111 that are removed during intrusive activities shall be containerized and securely stored until these materials are properly characterized and disposed in accordance with ORC Chapter 6111 and the regulations promulgated thereunder.
7. Prior to any disposal of waste or contaminated soil from the Facility, FirstEnergy shall submit copies of sample analysis results, the treatment or disposal method selected, and a letter of acceptance from the treatment or disposal facility to Ohio EPA, DMWM, NWDO, pursuant to OAC Rule 3745-27-13(H)(4).
8. FirstEnergy shall take measures to control fugitive dust and other air emissions that may result from activities authorized by this action.
9. Upon completion of filling, grading, excavating, building, drilling, or mining activities at the Facility, FirstEnergy shall restore the condition of the Facility cap in

accordance with the appropriate provisions of ORC Chapter 3734 and the rules promulgated thereunder, as were applicable at the time the Facility originally submitted certification of closure, or the rules the Facility was required to close under if certification was never submitted.

10. In accordance with OAC Rule 3745-27-13(M), this authorization shall terminate three years after its effective date if the Facility has not begun the activities authorized herein.
11. Not later than 60 days after completing the activities authorized through this approval, FirstEnergy shall submit to Ohio EPA, DMWM, NWDO a certification report in accordance with OAC Rule 3745-27-13(H)(10).
12. In accordance with OAC Rule 3745-27-13(O), the Director may revoke this authorization if FirstEnergy violates, or is likely to violate, any applicable law or if the continued implementation of the approved plans may cause a threat to human health or safety or the environment.
13. Nothing in this letter shall be construed to authorize any waiver from the requirements of any applicable federal or state laws or regulations. This authorization shall not be interpreted to release FirstEnergy, their appointed representative, or others from responsibility under 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.

END OF CONDITIONS

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 30 days after notice of the Director's action. The appeal must be accompanied by a filing fee of \$70.00, made payable to "Treasurer, State of Ohio". The Commission, in its discretion, may reduce the fee if by affidavit it is demonstrated 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:

William R. Beach
FirstEnergy
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45Environmental Review Appeals Commission
77 South High Street, 17th Floor
Columbus, Ohio 43215

If you have any questions or concerns in regard to this matter, please contact Habib A. Kaake of Ohio EPA, DMWM, NWDO at (419) 373-3073.

Sincerely,



Scott J. Nally
Director

Enclosure

cc: Scott Hester, DMWM, CO
Susan Hardy, DMWM, NWDO
Habib Kaake, DMWM, NWDO
Jodi Vaughan, Lucas County Health Department