



**Environmental
Protection Agency**

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

OHIO E.P.A.

MAY 21 2012

ENTERED DIRECTOR'S JOURNAL

May 21, 2012

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.

Mr. Brad Smith
Plant Engineer
Ludowici Roof Tile, Inc.
4757 Tile Plant Road
New Lexington, Ohio 43764

By:  Date: 5.21.2012

**RE: Closed Ludowici Captive Industrial Landfill, Perry County
Ohio Administrative Code (OAC) Rule 3745-27-13 Authorization**

Dear Mr. Smith:

On March 5, 2012, the Ohio Environmental Protection Agency (Ohio EPA), Division of Materials and Waste Management (DMWM), Southeast District Office (SEDO) received a request from Ludowici Roof Tile, Inc. (Owner) titled "Use of a Closed Captive Industrial Landfill". The request was submitted pursuant to OAC Rule 3745-27-13 in order to store raw materials upon the closed, captive Ludowici Industrial Landfill (Facility), located in Perry County. The Facility began operation in approximately 1960 and was closed in 1989 under the 1976 solid waste landfill regulations. The Facility spans approximately 5.9 acres. Scrap clay materials, office supply waste, and cafeteria waste were disposed at the Facility.

OAC Rule 3745-27-13 requires authorization from the Director of Ohio EPA (Director) prior to engaging in filling, grading, excavating, building, drilling, or mining activities on land where a solid waste facility was operated. Specifically, the Owner proposes to expand the storage area for raw materials onto the top of the waste disposal area of the closed Facility prior to their use in the manufacturing process. Materials to be stored include Clarion shale, fireclay, and recycled materials. The recycled materials will likely include scrap fired tiles, broken glass, incinerated sewage ash, and other materials. The purpose of storing these materials on top of the Facility is to encourage weathering of the materials. The incinerated sewage ash will be covered with a tarp or placed in a shelter to prevent surface water contact and runoff. The materials will be placed by truck in layers or large piles. Construction of the storage area will not require excavation into the landfill cap.

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, Ludowici Roof Tile, Inc. 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, the Owner is subject to the following conditions:

CONDITIONS

1. This approval grants Ludowici Roof Tile, Inc. authorization to perform activities at the Facility in accordance with the request titled "Use of a Closed Captive Industrial Landfill" submitted on March 5, 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. Not later than seven (7) calendar days prior to the start of the activities associated with this authorization, Ludowici Roof Tile, Inc. shall submit written notification, which specifies the anticipated date work will be commenced, to Ohio EPA, DMWM, SEDO and the Perry County Health Department.
4. 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.
5. All activities undertaken shall not create a nuisance and shall not adversely affect public safety or health or the environment.
6. The existing landfill cap and disposed waste at the Facility shall not be disturbed by the activities associated with this authorization. A layer of shale or clay shall be placed and maintained above the existing landfill cap and below the bottom of the raw material storage piles.
7. Ludowici Roof Tile, Inc. shall take measures to control fugitive dust and other air emissions that may result from activities authorized by this action.

8. In accordance with OAC Rule 3745-27-13(M), this authorization shall terminate three (3) years after its effective date if Ludowici Roof Tile, Inc. has not begun the activities authorized herein.
9. In accordance with OAC Rule 3745-27-13(O), the Director may revoke this authorization if Ludowici Roof Tile, Inc. 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.
10. 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 Ludowici Roof Tile, Inc., 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

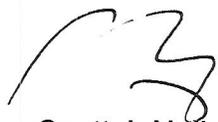
You are hereby notified that this action of the Director is final and may be appealed to the Environmental Review Appeals Commission (Commission) pursuant to ORC Section 3745.04. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. The appeal 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:

Environmental Review Appeals Commission
77 South High Street, 17th Floor
Columbus, Ohio 43215

Mr. Brad Smith
Ludowici Roof Tile, Inc.
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If you have any questions concerning this letter, please contact Craig Walkenspaw of Ohio EPA, SEDO at (740) 380-5440.

Sincerely,

A handwritten signature in black ink, appearing to read "S. Nally", written over a horizontal line.

Scott J. Nally
Director

cc: Cary Bowers, Perry County Health Department
Craig Walkenspaw, DMWM-SEDO
Scott Hester, DMWM-CO