



State of Ohio Environmental Protection Agency

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MAY - 7 2002

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DIRECTOR'S JOURNAL

Mr. Angelo Tomaselli
Director of Public Service
City of Willoughby
1 Public Square
Willoughby, OH 44094

I certify this to be a true and accurate copy of the official document as filed in the records of the Ohio Environmental Protection Agency.

By: Zona X Clements Date: 5/7/02

**RE: Willoughby Sanitary Landfill (Glenn Avenue), Lake County
Ohio Administrative Code (OAC) Rule 3745-27-13 Authorization**

Dear Mr. Tomaselli:

On December 7, 2001, Ohio EPA received a request titled Request for Rule 13 Authorization Under OAC 3745-27-13, Willoughby Sanitary Landfill. (Glenn Avenue Landfill). Willouahby, Lake County, Ohio, from CT Consultants, Inc. on behalf of the City of Willoughby (City). The City requested authorization, pursuant to OAC Rule 3745-27-13, to engage in exploratory drilling and testing activities at the Willoughby Sanitary Landfill- (Glenn Avenue Landfill), located in Lake County. The request was submitted pursuant to Ohio Administrative Code (OAC) Rule 3745-27-13, which requires authorization from the director of Ohio EPA before engaging in filling, grading, excavating, building, drilling or mining on land where a solid waste facility was operated.

Based upon a review of the document, I have determined that the proposed exploratory drilling and testing activities 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, the City is hereby authorized to perform the activities outlined in this letter in accordance with submitted plans, specifications, and information.

This approval is subject to the following conditions:

CONDITIONS

1. 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.
2. All activities undertaken shall not create a nuisance and shall not adversely affect public safety or health or the environment.
3. Any solid waste encountered during the construction activities shall:

Bob Taft, Governor
Maureen O'Connor, Lieutenant Governor
Christopher Jones, Director

- a. be placed back in the closed landfill and re-capped in accordance with OAC Rule 3745-27-10, effective July 29, 1976; or
 - b. If designated to be disposed of off-site, be containerized and securely stored until such a time as these materials are properly characterized and disposed of in accordance with Ohio Revised Code (ORC) Chapter 3734 and the regulations promulgated thereunder.
4. 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 regulations promulgated thereunder.
5. Pursuant to OAC Rule 3745-27-13(H), this authorization shall terminate 18 months after its effective date unless:
 - a. The City begins the activities outlined in this authorization; or
 - b. The City has entered into a binding contractual obligation to undertake and complete the activities outlined in this authorization within 24 months of its effective date.
6. This approval only grants authorization to conduct exploratory drilling and testing activities at Willoughby Sanitary Landfill-(Glenn Avenue Landfill) in accordance with the submittal titled Request for Rule 13 Authorization Under OAC 3745-27-13, Willoughby Sanitary Landfill, (Glenn Avenue Landfill), Willoughby, Lake County, Ohio, dated December 2001. All activities must be conducted in strict accordance with the plans, specifications, and information submitted as part of the request. There may be no deviation from the approved plans without the express, written authorization of Ohio EPA.
7. This authorization does not provide approval for the construction of any proposed building at the facility. Any future activities on the facility may require additional Ohio EPA approval.
8. Nothing in this letter shall be construed to authorize any waiver from any requirements of applicable state solid waste laws or regulations. This letter shall not be interpreted to release the City from responsibility under ORC Chapters 3704, 3714, 3734, or 6111; under the Federal Clean Water Act, the Resource Conservation and Recovery 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 thirty (30) days after notice of the director's action. Notice of the filing of the appeal shall be filed with the director within three (3) 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
236 East Town Street, Room 300
Columbus, Ohio 43215

Sincerely,



Christopher Jones
Director

CJ/CM

cc: Lynn Sowers, DSIWM-NEDO
Scott Hester, DSIWM-CO
Laura Kuns, Lake County General Health District
Owen Karickhoff, CT Consultants, Inc.