



State of Ohio Environmental Protection Agency

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OHIO E.P.A.
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Mr. Jack Gearing
Montgomery County Public Works
2550 Sandridge Drive
Dayton, Ohio 45439

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 R. Clement* 6/7/02

Re: Montgomery County Ash Monofill, Montgomery County
OAC 3745-27-13 Authorization

Dear Mr. Gearing:

On April 3, 2002, the Ohio Environmental Protection Agency (Ohio EPA) received a request titled Request for Authorization for the Proposed Construction of the Bark Park at the Montgomery County Ash Monofill, Montgomery County, Ohio by Bowser Morner, on behalf of Montgomery County Public Works (County), requesting to construct a "Bark Park" along the western slope of the Montgomery County Ash Monofill (Facility). Specifically, the developments proposed for the "Bark Park include a fenced enclosure divided into two sections, erection of a gazebo at the top of the slope, several tree pods situated in various areas along the landfill slope, a walking trail along the face of the landfill, as well as a paved parking area and agility course adjacent to the monofill. The request was submitted pursuant to Ohio Administrative Code 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 hazardous waste facility or a solid waste facility was operated.

Based upon a review of the April 3, 2002 request, I have determined that the proposed 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 County is hereby authorized to perform the activities outlined in this letter in accordance with the submitted plans, specifications, and information.

This authorization 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, and surface water run-on and run-off, and protection of ground water.

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

2. All activities undertaken shall not create a nuisance and shall not adversely affect public safety or health or the environment.
3. The Montgomery County Health District and the Ohio EPA, Southwest District Office (SWDO) shall be notified at least three days before initiation of any on-site activities.
4. For the purpose of erosion control, the County shall use Best Management Practices (BMP) in accordance with the National Resource Conservation Service manual titled Rainwater and Land Development.
5. Any changes to the authorized activities work shall be approved by the Director of Ohio EPA prior to implementation of work. The Director of Ohio EPA shall be notified as soon as possible in the event that unforeseen circumstances cause work to be modified or halted. A certification report shall be submitted to the SWDO after the park has been constructed.
6. Pursuant to OAC Rule 3745-27-13(H), this authorization shall terminate 18 months after its effective date unless:
 - a. The applicant begins the activities outlined in this authorization; or
 - b. The applicant has entered into a binding contractual obligation to undertake and complete the activities outlined in this authorization within 24 months of its effective date.
7. Nothing in this letter shall be construed to authorize any waiver from any requirements of applicable state solid waste laws or regulations. This authorization shall not be interpreted to release the County 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 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

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OAC 3745-27-13 Authorization
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appeal must be filed with the Commission within 30 days after notice of the Director's action. Notice of the filing of the appeal shall be filed with the Director within three 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

If you have any questions concerning this authorization, please contact Jeff Meyer of Ohio EPA, Southwest District Office, at (937) 285-6048.

Sincerely,



Christopher Jones
Director

CJ/br

cc: Tracy Buchanan, Montgomery County Health District
Pat Loper, Bowser-Morner
Scott Hester, CO-DSIWM ✓