



State of Ohio Environmental Protection Agency

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P.O. Box 1049  
Columbus, Ohio 43216-1049

Ms. Susan Banbury, P.E.  
Planning and Development Department  
64 East Walnut Street  
Westerville, Ohio 43018

**Re: Westerville Landfill, Franklin County  
Ohio Administrative Code Rule 3745-27-13 Authorization**

Dear Ms. Banbury:

On April 4, 2003, ME Companies, Inc., on behalf of the City of Westerville (City), submitted a request to construct a BMX track, a concrete skateboard area, asphalt pathways and parking lot, an open-sided park shelter, landscape plantings, restroom facilities, and expanded site utilities on the Westerville Landfill. This request for authorization to engage in filling, grading, excavating, building, mining, and drilling activities was submitted in accordance with the provisions of Ohio Administrative Code (OAC) Rule 3745-27-13.

Based upon the review of the submitted request, Ohio EPA has determined that the proposed activities, if conducted in accordance with the conditions listed below, will not result in violation of applicable laws and regulations, will not create a nuisance, and are unlikely to adversely affect the public safety or health or the environment. Therefore, you are hereby authorized to perform the above activities in accordance with the submitted request and the following conditions:

1. The Director of Environmental Protection (director) or a representative authorized by the director, may enter the premises of the Westerville Landfill at any time to inspect, conduct tests, or examine records and reports pertaining to the authorized activities.
2. Any activities undertaken shall not create a nuisance and shall not adversely affect the public safety or health or the environment. This authorization may be revoked if it is determined at any time that any applicable laws have been or are likely to be violated or continued implementation of the approved plans may cause a threat to human health or safety or the environment.
3. All solid and/or hazardous waste removed during construction activities shall be containerized (e.g. roll-offs, drums) and securely stored until these materials are properly characterized and disposed in accordance with Ohio Revised Code (ORC) Chapter 3734 and regulations promulgated thereunder.

Bob Taft, Governor  
Jennette Bradley, Lieutenant Governor  
Christopher Jones, Director

4. Any gas monitoring probes damaged or destroyed during construction activities shall be repaired or replaced.
5. 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 City 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 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 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  
309 South Fourth Street  
Room 222  
Columbus, Ohio 43215

If you have any questions concerning with authorization, please contact Laura Parkinson of Ohio EPA Central District Office at (614) 728-3889.

Sincerely,

Christopher Jones  
Director

cc: Michael Crommes, ME Companies, w/attachments  
Franklin County Health Department, w/attachments  
Duane Snyder, DSIWM CDO, w/attachments  
Scott Hester, DSIWM CO, w/attachments