



State of Ohio Environmental Protection Agency

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Mr. John Hoffman
The Energy Cooperative
1500 Granville Road
P.O. Box 4970
Newark, Ohio 43058-4970

**RE: Licking Rural Electrification, Inc., Licking County
Ohio Administrative Code (OAC) Rule 3745-27-13 Authorization**

Dear Mr. Hoffman:

On March 30, 2004, the Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM), Central District Office (CDO), received a request titled *Section 13 Waiver, Licking Rural Electrification, Utica, Ohio* from Metcalf & Eddy of Ohio, Inc. on behalf of The Energy Cooperative. The Energy Cooperative requested authorization, pursuant to OAC Rule 3745-27-13, to excavate, sample, and remove waste from an old disposal site at Licking Rural Electrification, Inc. (Facility) located in Licking County. Additional information was received on April 30, 2004.

OAC Rule 3745-27-13 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 submitted request, I have determined that the proposed excavation, sampling, and removal activities 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, The Energy Cooperative is hereby authorized to perform the activities outlined in this letter in accordance with submitted plans, specifications, and information.

As part of this authorization, The Energy Cooperative is subject to the following conditions:

CONDITIONS

1. This approval grants authorization to perform excavation, sampling, and removal activities at the Facility in accordance with the document titled *Section 13 Waiver, Licking Rural Electrification, Utica, Ohio*, dated March 30, 2004. All activities shall be conducted in strict accordance with the plans, specifications, and other information submitted as part

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2. of this request. There may be no deviation from the approved plans without prior written authorization from Ohio EPA. Any future activities at the Facility may require additional Ohio EPA approval.
3. The Director of Environmental Protection or a representative authorized by the director may enter the premises of the Licking Rural Electrification, Inc. site at any time to inspect, conduct tests, or examine records pertaining to the authorized activities.
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. Any activities undertaken shall not create a nuisance and shall not adversely affect the public safety or health or the environment. The director may revoke this authorization if The Energy Cooperative violates, or is likely to violate, any applicable law or if the continued implementation of the approved plans causes a threat to the public health or safety or the environment.
6. All solid or hazardous waste to be removed from the Facility shall be containerized and securely stored until the materials are properly characterized and disposed in accordance with Chapter 3734 of the Ohio Revised Code (ORC) and the regulations promulgated thereunder. The Energy Cooperative shall comply with all applicable regulations regarding PCBs if said substances are identified or encountered during waste removal.
7. The Energy Cooperative shall submit descriptions of all excavated waste removed from the Facility as part of the certification report submitted pursuant to OAC Rule 3745-27-13(H)(10).
8. Prior to any removal of waste or contaminated soil from the property, The Energy Cooperative shall submit copies of sample analysis results, the treatment or disposal method selected, and a letter of acceptance from the disposal facility to Ohio EPA's CDO pursuant to OAC Rule 3745-27-13(H)(4).
9. 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 Energy Cooperative 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

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Liability Act; or from other applicable requirements for remedying conditions resulting from any release of contaminants 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 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. It must be filed with the Commission within thirty (30) days after notice of the director's action. A copy of the appeal must be served on the director within three (3) days of filing 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 regarding this authorization, please contact Laura Parkinson of Ohio EPA's CDO at (614) 728-3889.

Sincerely,

Christopher Jones
Director

CH/MM/sw

Attachments

cc: Laura Parkinson, DSIWM-CDO
Duane Snyder, DSIWM-CDO, w/att.
Scott Hester, DSIWM-CO
Mike Wilson, Licking County Health Department, w/att.
Ben Pfefferle III, Baker & Hostetler LLP, w/att.
William Priore, Metcalf & Eddy of Ohio, Inc., w/att.

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