



State of Ohio Environmental Protection Agency

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Patrick Nortz, General Manager
Warner Hill Development Company
c/o BFI Northern Ohio Landfill District
43502 Oberlin-Elyria Road
Oberlin, Ohio 44074

**Re: Warner Hill Landfill, Cuyahoga County
Explosive Gas Monitoring Plan Approval**

Dear Mr. Nortz:

On July 24, 2003, the Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM), Northeast District Office (NEDO) received a document titled Explosive Gas Monitoring Plan, Explosive Gas Monitoring System Design, Warner Hill Landfill, Garfield Heights, Ohio, January 1989, Revised July 2003, dated July 17, 2003, for the closed Warner Hill Landfill (Facility) located in Cuyahoga County. Revisions to the document dated June 23, 2004, and August 13, 2004, were received on June 24, 2004, and August 16, 2004, respectively. The document was prepared and submitted by Shaw Emcon/OWT, Inc. on behalf of the Warner Hill Development Company (WHDC).

The Facility is a closed municipal solid waste disposal facility located at 4720 Warner Road in the cities of Cleveland, Cleveland Heights, and Garfield Heights. The Facility is owned and was last operated by WHDC, a subsidiary of Browning-Ferris Industries/Allied Waste Industries; it closed in 1980.

The July 24, 2003, Explosive Gas Monitoring Plan (EGMP) and subsequent revisions were prepared in accordance with Ohio Administrative Code (OAC) Rule 3745-27-12, effective August 15, 2003, and replace the previous Warner Hill Landfill EGMP, which was approved on October 15, 2002.

Ohio EPA has reviewed the submitted EGMP, including the June 23, 2004, and August 13, 2004, revisions, and we have determined that it meets applicable requirements. Therefore, I hereby approve the revised EGMP for the closed Warner Hill Landfill. As part of this approval, WHDC is subject to the following conditions:

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

CONDITIONS

1. WHDC shall implement the EGMP at the Facility in accordance with the document titled Explosive Gas Monitoring Plan, Explosive Gas Monitoring System Design, Warner Hill Landfill, Garfield Heights, Ohio, January 1989, Revised August 13, 2004. All activities must be conducted in strict accordance with the plans, specifications, and information submitted as part of this plan. There may be no deviation from the approved plan without the express, written approval of Ohio EPA. Any future activities may require additional Ohio EPA approval.
2. WHDC shall submit initial written notice to Ohio EPA, NEDO and the Cuyahoga County Board of Health no later than seventy-two (72) hours prior to commencement of the proposed activities specified in the revised plan.
3. Ohio EPA, NEDO and the Cuyahoga County Board of Health shall receive written notice no later than 72 hours after discovering that any structure within one thousand (1,000) feet of the limits of waste placement is repaired, replaced, or otherwise made into an "occupied structure" pursuant to OAC Rule 3745-27-12(A)(5). If any structure within 1,000 feet of the limits of the waste placement is repaired, replaced, or otherwise made into an "occupied structure" pursuant to OAC Rule 3745-27-12(A)(5), then a new permanent monitor shall be located, constructed, and monitored no later than ninety (90) days after the date of discovery. If any structure within two hundred (200) feet of the limits of waste placement is repaired, replaced, or otherwise made into an "occupied structure" pursuant to OAC Rule 3745-27-12(A)(5), then, upon consent of the property owner, a structure alarm shall be installed and monitored no later than 90 days after the date of discovery. A revised and approvable EGMP shall be submitted to Ohio EPA, NEDO no later than one hundred eighty (180) days after the date of discovery.
4. Not later than sixty (60) days after the effective date of this approval, WHDC shall implement the EGMP. Implementation shall include installation and monitoring of temporary monitors, permanent monitors, and building alarms, pursuant to OAC Rule 3745-27-12(E). For any structure within two hundred (200) feet of the limits of waste placement in which the consent of the property owner has been obtained to install a structure alarm, WHDC shall install a structure alarm as specified in this EGMP no later than thirty (30) days after the date of notification of consent.
5. Issuance of this approval does not constitute expressed or implied agreement that the monitoring of the Facility performed and implemented in accordance with the approved EGMP and/or its terms and conditions will constitute compliance with applicable state and federal laws, rules, and regulations, nor does issuance of this plan approval ensure that necessary operating permits or licenses will be granted.

6. 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 WHDC from responsibility under Ohio Revised Code (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.

You are hereby notified that this action of the director of Ohio EPA 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 after 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 concerning this approval, please contact John Schmidt of Ohio EPA, NEDO at (330) 963-1175.

Sincerely,

Christopher Jones
Director

DH/MM/sw

cc: Lynn Sowers, DSIWM-NEDO
Scott Hester, DSIWM-CO
Matt Johnson, Cuyahoga County Board of Health
Angela Krueger, Shaw Emcon/OWT, Inc.