



State of Ohio Environmental Protection Agency

STREET ADDRESS:

MAILING ADDRESS:

Lazarus Government Center
122 S. Front Street
Columbus, Ohio 43215

TELE: (614) 644-3020 FAX: (614) 644-3184
www.epa.state.oh.us

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

Mr. Kurt Paschl
Beazer East, Inc.
c/o Three Rivers Management, Inc.
One Oxford Centre, Suite 3000
Pittsburgh, Ohio 15219-6401

**Re: Beazer East, Inc., Wayne County
Ohio Administrative Code (OAC) Rule 3745-27-13 Authorization**

Dear Mr. Paschl:

On March 29, 2006, the Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM), Northeast District Office (NEDO) received a request titled Application for Rule 13 Authorization to Place Additional Soil Cover Material and Abandon a Monitoring Well (March 2006) from Beazer East, Inc., pursuant to Ohio Administrative Code (OAC) Rule 3745-27-13, to engage in filing, grading, excavating, building, drilling, or mining activities at the former Koppers Wood Treating and Product Development Plant Property and landfill (Facility) located at 12873 Burton City Road, Orrville, Wayne County. Beazer East, Inc., is the current owner of the property which includes the closed landfill. Revisions to the request were received by Ohio EPA, DSIWM, NEDO in February 2004, and March 2006. The request, prepared by Key Environmental, Inc., was submitted pursuant to OAC Rule 3745-27-13.

OAC Rule 3745-27-13 requires authorization from the Director of Ohio EPA (Director) before engaging in filing, grading, excavating, building, drilling, or mining on land where a solid waste facility was operated. Specifically, Beazer East, Inc., proposes to perform site preparation activities (including abandonment of one existing groundwater monitoring well), placement of additional soil cover material, and site restoration.

Based upon a review of the request and subsequent revisions, I have determined, pursuant to OAC Rule 3745-27-13, 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, Beazer East, Inc., is hereby authorized to perform the activities outlined in this letter in accordance with the submitted plans, specifications, and information.

Bob Taft, Governor
Jennette Bradley, Lieutenant Governor
Joseph P. Koncelik, Director

As part of this authorization, Beaver East, Inc., is subject to the following 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 runoff, 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. All solid waste to be removed from the Facility shall be containerized and securely stored until these materials are properly characterized and disposed in accordance with Ohio Revised Code (ORC) Chapter 3734 and the regulations promulgated thereunder.
4. Not later than seventy-two (72) hours prior to the start of activities associated with this authorization, Beazer East, Inc., shall submit written notification, which specifies the anticipated date of work commencement, to Ohio EPA, DSIWM, NEDO and the Wayne County Health Department.
5. This approval grants authorization to conduct activities at the Facility in accordance with the request titled Application for Rule 13 Authorization to Place Additional Soil Cover Material and Abandon a Monitoring Well (March 2006), only. All activities must be conducted in strict accordance with the plans, specifications, and information submitted as part 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.
6. 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 Beazer East, Inc. 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 to the environment.

You are hereby notified that this action of the Director is final and may be appealed to the Environmental Review Appeals Commission pursuant to ORC Section 3745.04. The appeal must be made in writing and set forth the action complained of and the ground 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:

Mr. Kurt Paschl
Beazer East, Inc.
Page 3 of 3

Environmental Review Appeals Commission
309 South Fourth Street
Room 222
Columbus, Ohio 43215

If you have any questions concerning this authorization, please contact Clarissa Gereby of Ohio EPA's NEDO at (330) 963-1200.

Sincerely,

Joseph P. Koncelik
Director

JPK/CG/KM/sw

cc: Murat Tukel, DSIWM, NEDO
Ken Eng, Wayne County Health Department
Susan Watkins, DERR, NEDO