



State of Ohio Environmental Protection Agency

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Mr. Steve Viny  
Norton Environmental Company  
6200 Rockside Woods Blvd., Suite 105  
Independence, Ohio 44131

**Re: Mount Eaton Sanitary Landfill, Wayne County  
ORC Section 3734.02(G) Exemption - Decline to Grant**

Dear Mr. Viny:

I have been made aware of correspondence dated May 16, 2005, and June 9, 2006, to my Northeast District Office (NEDO) staff which included reference to the exemption authority in Ohio Revised Code (ORC) Section 3734.02(G) and potential exemptions from certain Ohio Administrative Code (OAC) requirements applicable to the Mount Eaton Sanitary Landfill (Facility) located in Wayne County.

I am aware of the proceedings regarding Case No. 06-CV-0280, in the Court of Common Pleas, Wayne County, Ohio, *Norton Environmental Company vs. Joseph P. Koncelik, Director, et. al.*. On July 28, 2006, Judge Wiest overruled any objections to the magistrate's proposed decision which concluded that "[n]o evidence has been presented at the hearing in this matter to show that the plaintiff requested an exemption from the Ohio Environmental Protection Agency's regulations."

Regardless of the judge's determination that there is no evidence that an exemption request was submitted, I have received the aforementioned correspondence and am notifying you that, because I cannot determine that granting the referenced exemptions is unlikely to adversely affect public health or safety or the environment, I decline to issue the exemptions referenced in the correspondence.

If you have any questions concerning this letter, please contact Judy Bowman of Ohio EPA, Northeast District Office at (330) 963-1238.

Sincerely,

Joseph P. Koncelik  
Director

JPK/JB/MM/sw

cc: John Cayton, Attorney General's Office  
Bruce McCoy, DSIWM-CO  
Scott Hester, DSIWM-CO  
Murat Tukul, DSIWM-NEDO

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