



State of Ohio Environmental Protection Agency

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Columbus, Ohio 43216-1049

Mr. Joe Vitalone, Vice President  
38250 Mentor Avenue, Inc.  
4041 Erie Street  
Willoughby, Ohio 44094

**Re: Willoughby Sanitary Landfill (a.k.a. Glenn Avenue Landfill), Lake County  
Ohio Administrative Code (OAC) Rule 3745-27-13 Authorization**

Dear Mr. Vitalone:

On June 22, 2006, the Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM), Northeast District Office (NEDO) received a request titled Permit Application to Drill Over an Abandoned Landfill, Proposed Office Building Site, 38250 Mentor Avenue, Willoughby, Ohio, dated June 20, 2006, pursuant to OAC Rule 3745-27-13, to engage in filling, grading, excavating, building, drilling, or mining activities at the former Willoughby Sanitary Landfill (Facility) located in Lake County. Revisions to the original document were received on August 3, 2006. The June 20, 2006, document and subsequent revisions were submitted by Applied Construction Technologies, Inc., on behalf of 38250 Mentor Avenue, Inc.

OAC Rule 3745-27-13 requires authorization from the director of Ohio EPA (Director) before engaging in filling, grading, excavating, building, drilling, or mining on land where a solid waste facility was operated. Specifically, the request proposes to install six (6) geotechnical soil borings using auger-drilling techniques within a 0.79-acre footprint within the limits of the former 15-acre waste placement area. In-situ ground water (leachate) grab samples are not being proposed to be collected.

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 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, 38250 Mentor Avenue, Inc. is hereby authorized to perform the activities outlined in this letter in accordance with the submitted and approved plans, specifications, and information. This letter only authorizes sampling activities, and any additional development at the Facility will require a separate authorization.

As part of this authorization, 38250 Mentor Avenue, Inc. is subject to the following conditions:

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

## CONDITIONS

1. This approval grants authorization to conduct waste investigation activities at the Facility in accordance with the revised request titled OAC 3745-27-13 Permit Application Requesting Authorization to Drill Over Portion of Former Willoughby Landfill, Lake County, Ohio 44094, dated July 31, 2006, and received on August 3, 2006, only. All activities shall be conducted in strict accordance with the plans, specifications, and other 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.
2. Not later than seventy-two (72) hours prior to the start of activities associated with this authorization, 38250 Mentor Avenue, Inc. shall submit written notification, which specifies the anticipated date of work commencement, to Ohio EPA, NEDO and the Lake County General Health District.
3. 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.
4. All on-site activities shall be performed in a manner that prevents migration of leachate, explosive gas, or toxic gas from the Facility.
5. All activities undertaken shall not create a nuisance and shall not adversely affect the public health or safety or the environment.
6. 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.
7. All liquids, semi-solids, industrial wastes, and other wastes regulated by ORC Chapter 6111 that are removed during intrusive activities shall be containerized and securely stored until these materials are properly characterized and disposed in accordance with ORC Chapter 6111 and regulations promulgated thereunder.

8. Prior to any removal of waste or contaminated soil from the property, 38250 Mentor Avenue, Inc. shall submit copies of sample analysis results, the treatment or disposal method selected, and a copy of a letter of acceptance from the treatment or disposal facility to Ohio EPA, NEDO, pursuant to OAC Rule 3745-27-13(H)(4).
9. Not later than sixty (60) days after completing the activities authorized by this approval, 38250 Mentor Avenue, Inc. shall submit to Ohio EPA, NEDO a certification report in accordance with OAC Rule 3745-27-13(H)(10).
10. 38250 Mentor Avenue, Inc. shall take measures to minimize the potential for increased infiltration of surface water that may result from activities authorized by this action.
11. 38250 Mentor Avenue, Inc. shall take measures to control fugitive dust and other air emissions that may result from activities authorized by this action.
12. In accordance with OAC Rule 3745-27-13(M), this authorization shall terminate three years after its effective date if 38250 Mentor Avenue, Inc. has not begun the activities authorized herein.
13. The Director may revoke this authorization if 38250 Mentor Avenue, Inc. violates, or is likely to violate, any applicable law or if the continued implementation of the approved plans causes a threat to human health or safety or the environment.
14. 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 38250 Mentor Avenue, 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, 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 (Commission) pursuant to ORC Section 3745.04. The appeal must be made 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 thirty (30) days after notice of the Director's action. The appeal must be accompanied by a filing fee of \$70.00 which the Commission, in its discretion, may reduce if by affidavit you demonstrate that payment of the full amount of the fee would cause extreme hardship. Notice of the filing of the appeal shall be filed with the Director within three (3) days after filing with the Commission. Ohio EPA requests that a copy of the appeal be served upon the Ohio Attorney General's Office, Environmental Enforcement Section. An appeal may be filed with the Commission at the following address:

Joe Vitalone, Vice President  
38250 Mentor Avenue, Inc.  
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Environmental Review Appeals Commission  
309 South Fourth Street  
Room 222  
Columbus, Ohio 43215

If you have any questions concerning this authorization, please contact John Hujar of Ohio EPA's NEDO at (330) 963-1122.

Sincerely,

Joseph P. Koncelik  
Director

JPK/JH/MM/sw

cc: Scott Hester, DSIWM-CO  
Murat Tukul, DSIWM-NEDO  
Colum McKenna, DSIWM-NEDO  
Chris Loxterman, Lake County General Health District  
Edward Haber, Applied Construction Technologies, Inc.