



State of Ohio Environmental Protection Agency

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May 3, 2007

Robin Jones
WM CSMG
Waste Management of Ohio, Inc
P.O. Box 13506
Dayton, OH 45413

**Re: Sheriff Road Landfill, Allen County
Ohio Administrative Code (OAC) Rule 3745-27-13 Authorization**

Dear Ms. Jones:

On November 21, 2006, the Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM), Northwest District Office (NWDO) received a request titled OAC 3745-27-13 Application for Handling On-Site Debris Associated with Ottawa River Bank Stabilization Project, from H.C. Nutting Company, submitted on behalf of Waste Management of Ohio, Inc. (WMO), pursuant to Ohio Administrative Code (OAC) Rule 3745-27-13, to engage in filling, grading, excavating, building, drilling, or mining activities at the closed Sheriff Road Landfill (Facility) located in Allen County. Ohio EPA received revisions to the request on February 12, 2007.

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, WMO proposes to complete bank stabilization work along the Ottawa River at the Sheriff Road Landfill. The bank stabilization work includes excavation activities along the river bank to reduce the steep, near-vertical, river bank to a flatter two (2) horizontal to one (1) vertical slope. Since this area borders the old fill area, it is expected that some waste material will be encountered during the excavation activities. The excavated waste will be reconsolidated in prepared low areas within the limits of the old fill area adjacent to the project work zone. The excavated areas and relocated waste will be capped with a new final cover comprised of a two-foot-thick recompacted clay layer and a vegetative cover.

This approval also contains an exemption from OAC Rule 3745-27-13(H)(6), pursuant to OAC Rule 3745-27-03(B), to allow WMO to relocate excavated waste in areas of the facility that will cause the final vertical limits of waste placement to be above the previously existing limits of waste placement.

Based on a review of the November 21, 2006, document, as revised, 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

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

affect the public safety or health or the environment. Therefore, Waste Management of Ohio, Inc. is hereby authorized to perform the proposed activities outlined in this letter in accordance with submitted and approved plans, specifications, and information.

As part of this authorization, Waste Management of Ohio, Inc. is subject to the following conditions:

CONDITIONS

1. This approval grants authorization to perform activities at the Facility in accordance with the request titled OAC 3745-27-13 Application for Handling On-Site Debris Associated with Ottawa River Bank Stabilization Project submitted on November 21, 2006, and subsequent revision received on February 12, 2007, only. All activities shall 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.
2. 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.
3. All on-site activities shall be performed in a manner that prevents migration of leachate, explosive gas, or toxic gas from the Facility.
4. All activities undertaken shall not create a nuisance and shall not adversely affect the public safety or health or the environment.
5. Not later than seven (7) days prior to the start of activities associated with this authorization, WMO shall submit written notification, which specifies the anticipated date of work commencement, to Ohio EPA, NWDO and the Allen County Health Department.
6. If, during any activity authorized by this approval, suspected hazardous waste is encountered, Ohio EPA, NWDO, DSIWM and the Division of Hazardous Waste Management shall be notified immediately.
7. In accordance with OAC Rule 3745-27-13(M), this authorization shall terminate three (3) years after its effective date if WMO has not begun the activities authorized herein.
8. All solid waste to be removed from the Facility shall be properly containerized and securely stored until these materials are characterized and disposed in accordance with ORC Chapter 3734 and the regulations promulgated thereunder.

9. Copies of receipts for the disposal of waste removed from the Facility shall be submitted within the certification report required by OAC Rule 3745-27-13(H)(10).
10. The director may revoke this authorization if WMO violates, or is likely to violate, any applicable law or if continued implementation of the approved plan causes a threat to public health or safety or the environment.

OAC Rule 3745-27-03(B) Exemption

WMO has requested an exemption from OAC Rule 3745-27-13(H)(6), which requires, in part, that no excavation of waste can occur unless that excavated waste is replaced within previously existing horizontal and vertical limits of waste placement or is treated or disposed of at a licensed, permitted treatment or disposal facility, in accordance with ORC Chapter 3734 and the regulations promulgated thereunder.

As part of the activities approved through this authorization, WMO will be excavating waste and relocating it to other areas within the Facility. All waste movement will occur within the current horizontal limits of waste placement, and in no event will waste be placed at elevations lower than existing vertical limits of waste placement. However, final grades will be above the existing limits of waste placement in certain areas.

Pursuant to ORC Section 3734.02(G) and OAC Rule 3745-27-03(B), the director may, by order, exempt any person generating, collecting, storing, treating, disposing of, or transporting solid wastes, or processing solid wastes that consist of scrap tires, in such quantities or under such circumstances that, in the determination of the director, are unlikely to adversely affect public health or safety or the environment, from any requirement to obtain a registration certificate or license or comply with other requirements of ORC Chapter 3734.

Ohio EPA has reviewed the November 21, 2006, document, as revised, and associated information and has determined that granting an exemption in order to place waste in areas of the facility above previously existing vertical limits of waste placement is unlikely to adversely affect the public health or safety or the environment. Therefore, pursuant to ORC Section 3734.02(G) and OAC Rule 3745-27-03(B), WMO is hereby exempted from OAC Rule 3745-27-13(H)(6), which requires, in part, that excavated waste is replaced within previously existing horizontal and vertical limits of waste placement or is treated or disposed of at a licensed, permitted treatment or disposal facility, in accordance with ORC Chapter 3734 and the regulations promulgated thereunder, provided WMO complies with the requirements of the OAC Rule 3745-27-13 authorization request and this authorization.

Nothing in this authorization shall be construed to authorize any waiver from requirements of applicable state solid waste laws or regulations. This authorization shall not be interpreted to release WMO 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 from the facility to the environment.

You are hereby notified that this action of the Director of Ohio EPA (Director) is final and may be appealed to the Environmental Review Appeals Commission pursuant to Section 3745.04 of the Ohio Revised Code. The appeal must be 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 of 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 Environmental Review Appeals Commission at the following address:

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

If you have any questions or concerns in regard to this matter please contact Jeremy Scoles at Ohio EPA, NWDO at (419) 373-3079.

Sincerely,

Chris Korleski
Director

cc: Scott Hester, DSIWM-CO
Bill Kelly, Allen County Health Department
Jeremy Scoles, NWDO-DSIWM
Bruce Rome, H.C. Nutting Company