



State of Ohio Environmental Protection Agency

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Issuance Date: _____

Effective Date: _____

Expiration Date: _____

Henry County Board of Commissioners
660 North Perry Street
Napoleon, Ohio 43545-0546

**Re: Henry County Landfill, Henry County
Authorization for a Temporary Increase of the Authorized Maximum Daily Waste
Receipt (AMDWR)**

Dear Commissioners:

On August 28, 2007, the Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM), Northwest District Office (NWDO) received a request dated August 28, 2007, pursuant to Ohio Administrative Code (OAC) Rule 3745-37-14(D)(1), to temporarily increase the AMDWR of the Henry County Landfill (Facility) from 150 tons to 300 tons for a period not to exceed ninety (90) days. The 150 ton AMDWR was established by PTI Number 03-6294.

Nine counties in northern Ohio are the subject of a state of emergency declaration due to recent storms that moved through the area. The Facility has been contacted by the Putnam County Emergency Management Agency to provide storm waste disposal. The owners of the Facility note that the Facility is equipped with the appropriate equipment and personnel to handle the increased volume.

Based upon a review of the request and associated information, I hereby authorize an increase in the AMDWR at the Henry County Landfill to 300 tons for a period not to exceed ninety (90) days in accordance with OAC Rule 3745-37-14(D)(1). This authorization is subject to the following conditions:

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

CONDITIONS

1. This authorization to increase the AMDWR shall expire ninety (90) days after the effective date of this action.
2. Pursuant to OAC Rule 3745-37-14(D)(2), if the increased waste receipt results in operational violations at the Facility, then this authorization to temporarily increase the AMDWR shall automatically become void upon written notification from the director.
3. Nothing in this authorization shall be construed to authorize any waiver from the requirements of any applicable federal or state laws or regulations. This authorization shall not be interpreted to release the owner or operator 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, 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.
4. Issuance of this authorization does not constitute expressed or implied agreement that the operation of the Facility in accordance with this authorization will constitute compliance with applicable state and federal laws, rules, and regulations, nor does issuance of this authorization ensure that necessary operating permits or licenses will be granted.

END OF CONDITIONS

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 (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. 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 Appeal Commission at the following address:

Henry County LF
Temporary AMDWR
Page 3 of 3

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

If you have any questions concerning this letter, please contact Ed Merriman of Ohio EPA, DSIWM-NWDO at (419) 373-3033.

Sincerely,

Chris Korleski
Director

cc: Scott Hester, DSIWM-CO
Ed Merriman, DSIWM-NWDO