



State of Ohio Environmental Protection Agency

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October 3, 2007

William Rosby  
4963 Schaaf Lane  
Brooklyn Heights, Ohio 44131

Mercomp, Inc.  
c/o Michael Blumenthal, Attorney  
Waxman Blumenthal LLC  
29225 Chagrin Blvd, Suite 350  
Cleveland, OH 44122

**Re: Cleveland Land Development Landfill, Schaaf Road (Mercomp Inc.)  
OAC Rule 3745-27-13 Authorization - Decline to Grant**

Dear Mr. Rosby:

On November 21, 2006, William Rosby submitted a request to the Ohio Environmental Protection Agency (Ohio EPA) pursuant to Ohio Administrative Code (OAC) Rule 3745-27-13. Specifically the submittal proposes a class IV compost facility, material storage, and legitimate recycling facility operations on top of a closed landfill.

Based on a review of the information submitted with the request and compliance history of this site, I cannot determine that the proposed activities of filling, grading, excavating, building, drilling, or mining on land where a solid waste facility was operated will not result in violation of applicable laws and regulations administered by the director, will not create a nuisance, and will not adversely affect the public safety or health or the environment. Therefore, I decline to grant William Rosby and/or Mercomp, Inc. an authorization pursuant to OAC Rule 3745-27-13 for the proposed activities as described in the submittal dated November 21, 2006.

If you have any questions concerning this letter, please contact Murat Tukul of Ohio EPA, Northeast District Office at (330) 963-1200.

Sincerely,

Chris Korleski  
Director

cc: Colin Johnson, Cuyahoga Board of Health  
Scott Hester, CO-DSIWM  
Murat Tukul, NEDO-DSIWM

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