



State of Ohio Environmental Protection Agency

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The Honorable Jim Carr
Mayor of the Village of Newcomerstown
Municipal Building
124 West Church Street
Newcomerstown, Ohio 43832

**Re: Closed Newcomerstown Landfill, Tuscarawas County
Explosive Gas Monitoring Plan Approval**

Dear Mayor Carr:

On August 18, 2006, the Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM), Southeast District Office (SEDO) received a document titled, *Explosive Gas Monitoring Plan, Village of Newcomerstown Landfill* (EGMP) for the closed Village of Newcomerstown Landfill (Facility) located in Tuscarawas County. Revisions to the EGMP were received on January 5, January 8, and February 20, 2007. The EGMP was prepared and submitted by W.E. Quicksall and Associates, Inc. and North Point Engineering in accordance with Ohio Administrative Code (OAC) Rule 3745-27-12, effective August 15, 2003.

Ohio EPA has reviewed the submitted EGMP and we have determined that it meets applicable requirements. Therefore, I hereby approve the EGMP for the closed Village of Newcomerstown Landfill. The owner shall implement the EGMP in accordance with the following conditions:

CONDITIONS

1. All activities shall be conducted in strict accordance with the plans, specifications, and information submitted as part of the EGMP. There may be no deviation from the approved plans without the express, written approval of Ohio EPA. Any future activities may require additional Ohio EPA approval.
2. Not later than 60 days after the effective date of this approval, the owner shall implement the EGMP.
3. Issuance of this approval does not constitute expressed or implied agreement that the monitoring of the Facility performed and implemented in accordance with the approved EGMP and/or its terms and conditions will constitute compliance with applicable state and federal laws, rules, and regulations, nor does issuance of this plan approval ensure that necessary operating permits or licenses will be granted.

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

4. Nothing in this letter 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 others 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, 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 to the environment.

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 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 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 Commission at the following address:

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

If you have any questions concerning this approval, please contact Mark Mansfield of Ohio EPA, SEDO at 740-380-5428.

Sincerely,

Chris Korleski
Director

cc: Tuscarawas County Health Department
Dale Warner, DSIWM-SEDO
Ron Zitek, North Point Engineering

CK/EJ/MM/jg