



State of Ohio Environmental Protection Agency

STREET ADDRESS:

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MAILING ADDRESS:

P.O. Box 1049
Columbus, OH 43216-1049

Mr. Don Glauner
Service Director
City of Westlake
27216 Hilliard Boulevard
Westlake, Ohio 44145

**Re: Westlake Sanitary Landfill, Cuyahoga County
Ohio Administrative Code (OAC) Rule 3745-27-13 Authorization**

Dear Mr. Glauner:

By written submittal dated July 2007, and received by the Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM), Northeast District Office (NEDO) on July 16, 2007, the City of Westlake (City) requested authorization to conduct drilling and sampling activities at the Westlake Sanitary Landfill (Facility) located in Westlake, Cuyahoga County, Ohio. The request, prepared by Earth Consulting, Ltd., was submitted pursuant to OAC Rule 3745-27-13(E).

Specifically, the City proposes to drill and sample one 45-foot-deep soil boring and two 5 to 10-foot-deep soil borings within the limits of waste placement of the closed Westlake Sanitary Landfill. The borings are being drilled to assess subsurface conditions in anticipation of the possible construction of a wireless communications tower. The authorization request is only for the drilling and for the sampling of the soil borings.

Based upon a review of the document received by Ohio EPA, DSIWM, NEDO, on July 16, 2007, the proposed drilling and sampling activities will not result in a violation of applicable laws or regulations, will not create a nuisance, and are unlikely to adversely affect the public safety, human health, or the environment. Therefore, you are hereby authorized to perform the activities outlined in this letter in accordance with the submitted plans, specifications, and information.

As part of this authorization, the City is subject to the following conditions:

Conditions

1. This approval grants authorization to conduct drilling and sampling activities at the Facility in accordance with the July 16, 2007 submittal only. All activities shall be conducted in strict

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

accordance with the plans, specifications, and information submitted as part of the request. There may be no deviation from the approved plans without the express, written approval of the Ohio EPA. Any future activities at the Facility may require additional Ohio EPA approval.

2. The Director of Ohio EPA (Director), or a representative authorized by the Director, may enter the Facility at any time to make inspections, conduct tests, or examine records and reports pertaining to the authorized activities.
3. The Director may revoke this authorization if the City 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.
4. 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 run-off, and protection of ground water.
5. Ohio EPA, DSIWM, NEDO, and the Cuyahoga County Health Department shall receive notice not later than 72 hours prior to the commencement of the drilling and sampling activities at the Facility.
6. All activities undertaken shall not create a nuisance and shall not adversely affect public safety, human health, or the environment.
7. 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.
8. All liquids, semi-solids, industrial wastes, or 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 the regulations promulgated thereunder.
9. Not later than 60 days after completing the activities authorized by this approval, the City shall submit to Ohio EPA, NEDO a certification report in accordance with OAC Rule 3745-27-

13(H)(10).

10. The City shall take measures to control fugitive dust and other air emissions that may result from activities authorized by this action.
11. Nothing in the authorization shall be construed to authorize any waiver from any requirements of applicable state solid waste laws or regulations. This authorization shall not be interpreted to release the City 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.

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 Appeals Commission at the following address:

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

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If you have any questions concerning this approval, please contact Clarissa Gereby of Ohio EPA, NEDO at (330) 963-1224.

Sincerely,

Chris Korleski, Director

cc: Murat Tukul, DSIWM, NEDO
Jill Lis, Cuyahoga County Health Department
Fraser Hamilton, Earth Consulting, Ltd.