



State of Ohio Environmental Protection Agency

STREET ADDRESS:

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Columbus, Ohio 43215

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

Village of Newcomerstown
Attention: Mayor Jim Carr
Municipal Building
124 West Church Street
Newcomerstown, Ohio 43832

**SUBJECT: Village of Newcomerstown Landfill, Tuscarawas County
Final Closure/Post Closure Plan Approval**

Dear Mayor Carr:

The Ohio Environmental Protection Agency (Ohio EPA) received your submission titled *Final Closure/Post Closure Plan* (Plan) for the Village of Newcomerstown Landfill (Facility) located in Tuscarawas County on April 23, 2007. The Plan was reviewed in accordance with Ohio Administrative Code (OAC) Rules 3745-27-15 and 3745-27-16, and the Consent Order and Permanent Injunction, dated May 18, 2006, between the State of Ohio and the Village of Newcomerstown (Village).

Ohio EPA has reviewed the submitted Plan and has determined that it meets the applicable requirements. Therefore, I hereby approve the Plan for the Village of Newcomerstown Landfill. As part of this approval, the Village is subject to the following conditions:

CONDITIONS

1. The Village shall implement the Plan at the Facility in accordance with the document titled *Final Closure/Post Closure Plan* and all applicable rules and laws. All activities shall be conducted in strict accordance with the plans, specifications, and information submitted as part of this Plan. There may be no deviation from the approved Plan without the express, written approval of Ohio EPA. Any future activities may require additional Ohio EPA approval.
2. The Village shall submit initial written notice to Ohio EPA, SEDO and the Tuscarawas County Health Department no later than seventy-two (72) hours prior to commencement of the proposed activities specified in the Plan.
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 Plan and/or its terms and conditions, will constitute compliance with applicable federal and state laws, rules, and regulations, nor does issuance of this plan approval ensure that necessary operating permits or licenses will be granted.
4. The Director of Ohio EPA (Director), or an authorized representative, may enter the Facility during construction, operation, or post-closure care at any reasonable time for the purpose of making inspections, conducting tests, or examining records or reports pertaining to the activities authorized by this approval.

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

5. Nothing in this letter shall be construed to authorize any waiver from the requirements of any applicable state solid waste laws or regulations. Furthermore, this authorization shall not be interpreted to release the Village or others from responsibility under Ohio Revised Code (ORC) chapters 3704, 3714, 3734, or 6111; under the Federal Clean Water Act (CWA), the Resource Conservation and Recovery Act (RCRA), the Toxic Substances Control Act (TSCA), or the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA); 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 is final and may be appealed to the Environmental Review Appeals Commission (Commission) pursuant to Ohio Revised Code 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

If you have any questions concerning this approval, please contact Rich Fox of Ohio EPA, SEDO at (740) 380-5441.

Sincerely,

Chris Korleski
Director

cc: Dale Warner, DSIWM-SEDO
Tuscarawas County Health Department
Ron Zitek, North Point Engineering
Jeannette M. Wierzbicki, W.E. Quicksall and Associates, Inc
Joseph M. Reidy, Schottenstein, Zox & Dunn Co., LPA

CK/EJ/RF/jg