



State of Ohio Environmental Protection Agency

**STREET ADDRESS:**

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Columbus, Ohio 43215

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**MAILING ADDRESS:**

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

November 16, 2007

Mr. Gary Boyle  
Interim City Manager  
City of Oberlin  
85 South Main St.  
Oberlin, Ohio 44074

**Re: City of Oberlin, Lorain County  
Ohio Administrative Code (OAC) Rule 3745-27-13 Authorization**

Dear Mr. Boyle:

By written submittal dated July 6, 2007 and an addendum submitted August 31, 2007, received by the Ohio Environmental Protection Agency (Ohio EPA), Northeast District Office (NEDO), Division of Solid and Infectious Waste Management (DSIWM) on July 19, 2007 and September 4, 2007, respectively, the City of Oberlin (City) requested authorization to conduct construction activities at or near a recently discovered solid waste disposal area. The disposal site was discovered in the spring of 2006 during the process of constructing road and drainage improvements for the Oberlin Reserve Phase III Subdivision, located in the City of Oberlin, Lorain County, Ohio. The authorization request is for future construction which will take place on three parcels of land owned by the City of Oberlin that are adjacent to the previously discovered solid waste disposal area. The request, prepared by the City of Oberlin, was submitted pursuant to OAC Rule 3745-27-13(F).

Specifically, the City proposes to construct the following: (1) a cul-de-sac at the end of Reserve Avenue; (2) an extension of the City's electrical distribution network; (3) a walking/biking path; (4) a water transmission main; and (5) one or more public street segments possibly including all three parcels of land. If additional waste is encountered during the construction activities, the City will first notify the Ohio EPA and subsequently follow the contingency plan contained in the authorization request.

Based upon a review of the document and the addendum received by Ohio EPA, DSIWM, NEDO, on July 19, 2007 and September 4, 2007, respectively, the proposed construction activities, if conducted in accordance with the request, the addendum, and the following conditions, 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.

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

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

### **CONDITIONS**

1. 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.
2. All activities undertaken shall not create a nuisance and shall not adversely affect public safety, human health, or the environment.
3. Not later than seventy-two (72) hours prior to the commencement of the drilling and sampling activities at the site, the City shall notify Ohio EPA, DSIWM, NEDO, and the Lorain County Health Department.
4. This approval grants authorization to conduct the specific construction activities in accordance with the July 19, 2007 and September 4, 2007 submittals only. All activities must be conducted in strict 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 Ohio EPA. Any future activities at the site may require additional Ohio EPA approval.
5. 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 Ohio Revised Code (ORC) Chapters 3704, 3714, 3734, or 6111; 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 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

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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:

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

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

Sincerely,

Chris Korleski  
Director, Ohio EPA

cc: Murat Tukul, DSIWM, NEDO  
John Sabo, Lorian County Health Department  
Jeff Baumann, Director of Public Works, City of Oberlin