



State of Ohio Environmental Protection Agency

STREET ADDRESS:

Lazarus Government Center
50 W. Town St., Suite 700
Columbus, Ohio 43215

TELE: (614) 644-3020 FAX: (614) 644-3184
www.epa.state.oh.us

MAILING ADDRESS:

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

Scott Evans, General Manager
Central Waste, Inc.
12003 Oyster Rd.
Alliance, OH 44601

**Re: Old Central Waste Landfill, Mahoning County
Ohio Administrative Code (OAC) Rule 3745-27-13 Authorization**

Dear Mr. Evans:

On November 29, 2007, the Ohio Environmental Protection Agency (Ohio EPA) received a document titled, "OAC Rule 3745-27-13 Authorization Request Central Waste Landfill, Pre-1982 Solid Waste Disposal Area(s)," pursuant to OAC Rule 3745-27-13(D)(1) for the Old Central Waste Landfill (Facility), Mahoning County. Revisions to the document, dated December 6, 2007, were received December 7, 2007. The document and subsequent revisions were submitted by Civil and Environmental Consultants, Inc. (CEC) on behalf of Central Waste, Inc. (CWI). The Facility is a closed solid waste disposal facility located at 21605 Middletown Road, Smith Township, Mahoning County. The Facility is owned and was last operated by CWI, who is owned by TLA-Alliance, LLC, a subsidiary of Transload America, Inc. The licensed facility operated from 1969 to 1979. CWI owns and operates an adjacent separate solid waste disposal facility which is not a part of this request.

OAC Rule 3745-27-13 requires authorization from the Director of Ohio EPA (Director) before engaging in filling, grading, excavating, building, drilling, or mining on land where a solid waste facility was operated. The request specifically proposes to conduct a subsurface investigation within and adjacent to Area 1 of the closed Facility, consisting of a series of geotechnical borings and wells approximately 50 feet deep. Well and boring abandonment activities will follow applicable Ohio EPA Division of Solid and Infectious Waste Management (DSIWM) guidance and Division of Drinking and Ground Water (DDAGW) guidance. The subsurface investigation will be utilized in the development of an expansion permit for the adjacent operating solid waste disposal facility.

Based upon a review of the document and subsequent revisions submitted to Ohio EPA, I have determined that the proposed activities, if conducted in accordance with the request 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, CWI is 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

This approval is subject to the following conditions:

CONDITIONS

1. This approval grants authorization to conduct subsurface investigation activities at the Old Central Waste Landfill, 21605 Middletown Road, Smith Township, Mahoning County in accordance with the request titled, "*OAC Rule 3745-27-13 Authorization Request Central Waste Landfill, Pre-1982 Solid Waste Disposal Area(s)*," revised December 6, 2007, only. All activities shall be conducted in strict accordance with the plans, specifications, and information submitted as part of this request. 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. Ohio EPA, Northeast District Office (NEDO), Division of Solid and Infectious Waste Management and Division of Air Pollution Control, the Mahoning Trumbull Air Pollution Control Agency, and the Mahoning County Board of Health shall receive written notice not later than 72 hours prior to commencement of the proposed activities.
3. 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 runoff, surface water runoff, and protection of ground water.
4. All activities undertaken shall not create a nuisance, and shall not adversely affect public safety, human health, or the environment.
5. All solid and/or hazardous wastes removed from the Facility during sampling activities 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.
6. All liquids, semi-solids, industrial wastes, and other wastes regulated by ORC Chapter 6111 that are removed during sampling activities shall be containerized and securely stored until these materials are properly characterized and disposed in accordance with ORC Chapter 6111 and regulations promulgated thereunder.
7. Prior to any removal of waste or contaminated soil from the property, CWI shall submit copies of sample analysis results, the treatment or disposal method selected, and a letter of acceptance from the treatment or disposal facility to Ohio EPA, NEDO, pursuant to OAC Rule 3745-27-13(H)(4).
8. Not later than sixty (60) days after completing the activities authorized through this approval, CWI shall submit to Ohio EPA a certification report, plat map, and updated deed notation in accordance with OAC Rule 3745-27-13(H)(10).

9. CWI shall take measures to minimize the possible increase in subsurface infiltration due to disturbance of the waste units and other authorized activities.
10. CWI shall take measures to control fugitive dust and other air emissions due to disturbance of the waste units and other authorized activities.
11. This authorization request includes detailed engineering plans related to conducting a series of test pits and cap restoration only. This approval only grants authorization for CWI to disturb the existing waste piles for the purpose of ascertaining the absence or presence of waste in specific units of the Old Central Waste Landfill. This authorization does not constitute approval of the detail engineering plans for any other purpose.
12. In accordance with OAC Rule 3745-27-13(M), this authorization shall terminate three years after its effective date if CWI has not begun the activities authorized herein.
13. The director may revoke this authorization if CWI 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.
14. Nothing in this letter 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 Transload America, Inc., TLA-Alliance LLC, Central Waste, Inc., 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 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

Scott Evans, General Manager
Central Waste Landfill, Mahoning County
Page 4 of 4

If you have any questions concerning this authorization, please contact John Schmidt at Ohio EPA's Northeast District Office at (330) 963-1175.

Sincerely,

Chris Korleski
Director, Ohio EPA

CK/JMS/cl

cc: Scott Hester, DSIWM-CO
Lynn Sowers, DSIWM-NEDO
Mary Helen Smith, Mahoning County Board of Health
Jeffrey Arp, CEC, Inc.

File: [LAND/Old Central Waste Landfill/AUT/050]