



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

Mayor Susan Lesch
City of Norwalk
38 Whittlesey Ave.
P.O. Box 30
Norwalk, Ohio 44857-0030

**Re: Norwalk City Landfill, Huron County
Ohio Administrative Code (OAC) Rule 3745-27-13 Authorization**

Dear Mayor Lesch:

On February 19, 2008, the Ohio Environmental Protection Agency (Ohio EPA), Northwest District Office (NWDO), Division of Solid and Infectious Waste Management (DSIWM) received a request titled, *Revised City of Norwalk Rule 13 Authorization Application to Add a Driveway to the Closed City of Norwalk Landfill*, from ARCADIS. The request was submitted on behalf of the City of Norwalk, pursuant to Ohio Administrative Code (OAC) Rule 3745-27-13, to engage in filling, grading, and compacting activities on a limited area of the northwestern portion of the closed Norwalk City Landfill (Facility) located in Huron County. Revisions to the request were received on May 29, 2008.

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. For the purposes of OAC Rule 3745-27-13, "facility" includes those areas within three-hundred (300) feet of the limits of solid waste placement if activities in these areas are likely to impact the integrity of the waste placement or any ancillary structures.

Specifically, the City of Norwalk proposes to construct a driveway in a limited area of the northwestern portion of the closed Facility. The proposed activities will occur within three-hundred (300) feet of the Facility's limits of solid waste placement. It is not anticipated waste will be encountered, but if found, it will be removed to an approved solid waste disposal facility.

Based upon a review of the request, I have determined, pursuant to OAC Rule 3745-27-13, that the proposed 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 or health or the environment. Therefore, the City of Norwalk is hereby authorized to perform the activities outlined in this letter in accordance with the submitted and approved plans, specifications, and information.

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

CONDITIONS

1. Ohio EPA, NWDO, DSIWM and Huron County Health Department shall be notified in writing at least seven (7) calendar days prior to commencement of the activities associated with this authorization.
2. If any solid waste is discovered while conducting the activities authorized herein, work shall cease and Ohio EPA shall be notified by the end of the work day. Any waste that is excavated shall be properly 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.
3. Copies of receipts for the disposal of waste removed from the Facility shall be submitted within the certification report required by OAC Rule 3745-27-13(H)(10).
4. If, during any activity authorized by this approval, suspected hazardous waste is encountered, construction activities shall cease and Ohio EPA, NWDO, DSIWM and the Division of Hazardous Waste Management shall be notified immediately.
5. If, during any activity authorized by this approval, explosive gas is encountered, Ohio EPA, NWDO, DSIWM shall be notified by the end of the work day.
6. This approval grants authorization to perform activities at the Facility in accordance with the document titled, *Revised City of Norwalk Rule 13 Authorization Application to Add a Driveway to the Closed City of Norwalk Landfill*, received on May 29, 2008. 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 prior written authorization from Ohio EPA. Any future activities at the Facility may require additional Ohio EPA approval.
7. All activities undertaken shall not create a nuisance and shall not adversely affect public safety or health or the environment.
8. 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 and runoff, and protection of ground water. Surface water control structures shall be constructed, as needed, to divert water around the construction site. For the purposes of erosion control during all phases of construction at the Facility, The City of Norwalk shall use Best Management Practices

(BMP) standards as specified in the National Resource Conservation Service manual titled *Rainwater and Land Development*.

9. The City of Norwalk shall comply with all applicable sections of OAC Rule 3745-27-13(H), effective August 15, 2003.
10. The City of Norwalk shall take measures to control fugitive dust and other air emissions that may result from activities authorized by this action.
11. In accordance with OAC Rule 3745-27-13(M), this authorization shall terminate three (3) years after its effective date if the City of Norwalk has not begun the activities authorized herein.
12. The Director may revoke this authorization if the City of Norwalk violates, or is likely to violate, any applicable law or if continued implementation of the approved plans causes a threat to human health or safety or the environment.
13. Nothing in this letter shall be construed to authorize any waiver from any requirements of applicable federal or state laws or regulations. This authorization shall not be interpreted to release the City of Norwalk 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 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 Commission at the following address:

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

If you have any questions concerning this authorization, please contact Tyler Madeker of Ohio EPA, NWDO at (419) 373-3078.

Sincerely,

Chris Korleski
Director

cc: Peter Welch, Huron County Regional Solid Waste Management District
Jack Jump, Huron County Health Department
Thomas Hite, ARCADIS
Scott Hester, DSIWM, CO
Ed Merriman, DSIWM, NWDO
Tyler Madeker, DSIWM, NWDO