



State of Ohio Environmental Protection Agency

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Mr. James Hemmelgarn
4252 Taylorsville Road
Huber Heights, Ohio 45424

**Re: Taylorsville Road C&DD Hardfill, Montgomery County
Decline to Approve an Alternative Disposal Request**

Dear Mr. Hemmelgarn:

On March 3, 2008, Terran Corporation, on behalf of James Hemmelgarn of the Taylorsville Road Hardfill, submitted to Ohio Environmental Protection Agency (Ohio EPA), Southwest District Office (SWDO), Division of Solid and Infectious Waste Management (DSIWM) an Integrated Alternative Waste Management Program (IAWMP) request to use an alternative disposal method for solid waste at the Taylorsville Road Construction and Demolition Debris Hardfill (Facility) located in Montgomery County. Specifically, the request proposes to use non-toxic waste plaster, a solid waste generated by Ross Casting and Innovation LLC, as weekly cover material at the Facility. Additional information in response to an April 22, 2008, Ohio EPA Notice of Deficiency was received on April 22, 2008.

Pursuant to Ohio Administrative Code (OAC) Rule 3745-27-05(A)(4), solid waste may be disposed of through alternative disposal methods if the director determines that the use as engineered fill or land application of the solid wastes will not create a nuisance or harm human health or the environment and is capable of complying with other applicable laws. Approval of alternative disposal methods also requires the director to determine that the disposal method is unlikely to adversely affect the public health or safety or the environment pursuant to Ohio Revised Code (ORC) Section 3734.02(G).

Based on the information submitted on March 3, 2008 and April 22, 2008, Ohio EPA cannot determine that the proposed alternative disposal method of solid waste at the Facility will not create a nuisance or harm human health or the environment and will be capable of complying with other applicable laws. Additionally, I cannot determine that granting an exemption, pursuant to ORC Section 3734.02 (G), in order to dispose of the solid waste as proposed, is unlikely to adversely affect public health or safety or the environment. Therefore, I decline to approve your IAWMP request.

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

Mr. James Hemmelgarn
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If you have any questions concerning this letter, please contact Cheryl Allen of Ohio EPA, SWDO at (937) 285-6650.

Sincerely,

Chris Korleski
Director

cc: Scott Hester, DSIWM-CO
Tracy Buchanan, DSIWM-SWDO
Tom Hutt, Dayton and Montgomery County Public Health