



State of Ohio Environmental Protection Agency

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January 23, 2009

Caroline Crawford, President
Elkrun Industries, Inc.
9676 St. Rte 7,
Rogers, OH 44455

**Re: Elkrun Construction and Demolition Debris Landfill, Columbiana County
Director's Determination Pursuant to Uncodified Section 3.(A) of H.B. 397**

Dear Ms. Crawford:

On May 15, 2007, Ohio EPA received a document titled "Elkrun Industries, Inc., 2004 License Modification, Request for Determination Pursuant to uncodified Section 3(A) of H.B. 397" dated May 14, 2007. The request was prepared by URS Consultants on behalf of Elkrun Industries, Inc. for the Elkrun Construction and Demolition Debris Landfill located in Rogers, Columbiana County. The letter requests that the Director make a determination that the license application proposing to modify the Elkrun Construction and Demolition Debris Landfill, submitted by Elkrun Industries, Inc. on November 14, 2003, meets the criteria set forth in uncodified Section 3.(A) of House Bill 397.

In accordance with uncodified Section 3.(A), a license application submitted prior to July 1, 2005 shall be reviewed, and the license shall be issued or denied, in accordance with the provisions of Ohio Revised Code (ORC) Chapter 3714 as they existed on July 1, 2005, if the Director determines that this division applies to an applicant. In order for this division to apply, the following four criteria must be satisfied:

1. The applicant has acquired an interest in the property on which the facility will be located on or before May 1, 2005.
2. The applicant has begun a hydrogeologic investigation pursuant to Ohio Administrative Code (OAC) Rule 3745-400-09 prior to submitting the application.
3. The applicant has begun the engineering plans for the facility prior to submitting the application.

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

4. The application submitted by the applicant would have been determined to be complete if a moratorium had not been in effect.

Ohio EPA has reviewed your request and associated information and has determined that uncodified Section 3.(A) of Amended Substitute House Bill 397 applies to the license application proposing to modify Elkrun Construction and Demolition Debris Landfill, submitted by Elkrun Industries, Inc. on November 14, 2003. Therefore, the application shall be reviewed, and the license shall be issued or denied, pursuant to the provisions of ORC Chapter 3714 as they existed on July 1, 2005.

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 Front Street
Room 222
Columbus, Ohio 43215

If you have any questions concerning this document, please contact John Hujar of Ohio EPA, NEDO at (330) 963-1122.

Sincerely,

Chris Korleski
Director

CK/EMJ/sw

cc: Jerry Weber, DSIWM-NEDO
Scott Hester, DSIWM-CO