



State of Ohio Environmental Protection Agency

STREET ADDRESS:

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

June 30, 2009

Tom Johnson, 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. Johnson:

On March 30, 2009, the Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM), Northeast District Office (NEDO) received a request submitted pursuant to OAC Rule 3745-27-13(D)(1) for the Old Central Waste Landfill (Facility) located at 21605 Middletown Road in Smith Township, Mahoning County. Revisions to the request were received though May 19, 2009. The request and subsequent revisions were submitted by Eagon & Associates, Inc. on behalf of Central Waste, Inc. (CWI).

The Facility is a closed solid waste disposal facility. The Facility was licensed and operated from 1969 to 1979. The Facility is owned and was last operated by CWI, which is owned by TLA-Alliance, LLC, a subsidiary of Transload America, Inc. CWI owns and operates an adjacent separate solid waste disposal facility which is not a subject 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. Specifically, CWI proposes to conduct a subsurface investigation consisting of a series of hydrogeologic borings and wells ranging from approximately 30 to 50 feet deep within and adjacent to Area 1 of the closed Facility. Boring and well abandonment activities will follow applicable Ohio EPA, DSIWM and Division of Drinking and Ground Waters guidance.

Based upon a review of the request and subsequent revisions, 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, CWI is hereby authorized to perform the activities outlined in this letter in accordance with the submitted and approved plans, specifications, and information.

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

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

CONDITIONS

1. This approval grants authorization to conduct subsurface investigation activities at the Facility in accordance with the request titled, "OAC Rule 3745-27-13 Request for Authorization to Drill, Central Waste Landfill, Pre-1982 Solid Waste Disposal Area 1," revised through May 19, 2009, 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 prior written authorization from Ohio EPA. Any future activities at the Facility may require additional Ohio EPA approval.
2. Approval of this authorization pursuant to OAC Rule 3745-27-13 shall not be construed in any way as a determination by Ohio EPA that the information obtained by performing the activities proposed in the authorization request fully satisfies the requirements of OAC Rule 3745-27 for any permit to install application or other authorization request submitted to Ohio EPA.
3. Ohio EPA, NEDO, DSIWM and Division of Air Pollution Control, the Mahoning-Trumbull Air Pollution Control Agency, and the Mahoning County District Board of Health shall receive written notice not later than 72 hours prior to commencement of the proposed activities.
4. 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.
5. All activities undertaken shall not create a nuisance and shall not adversely affect public safety or health or the environment.
6. All solid and/or hazardous wastes to be removed from the Facility 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.
7. All liquids, semi-solids, industrial wastes, and other wastes regulated by ORC Chapter 6111 to be removed from the Facility shall be containerized and securely stored until these materials are properly characterized and disposed in accordance with ORC Chapter 6111 and regulations promulgated thereunder.

8. Prior to any removal of waste or contaminated soil from the Facility, 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).
9. Not later than sixty 60 days after completing the activities authorized by this approval, CWI shall submit to Ohio EPA, NEDO a certification report, plat map, and an updated deed notation in accordance with OAC Rule 3745-27-13(H)(10).
10. CWI shall take measures to minimize the potential for increased infiltration of surface water that may result from activities authorized by this approval.
11. CWI shall take measures to control fugitive dust and other air emissions that may result from activities authorized by this approval.
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 may cause a threat to human health or safety or the environment.
14. Nothing in this letter shall be construed to authorize any waiver from the requirements of any applicable federal or state laws or regulations. This authorization shall not be interpreted to release CWI, Transload America, Inc., TLA-Alliance, LLC, 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 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

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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

If you have any questions concerning this authorization, please contact John Schmidt of Ohio EPA, NEDO at (330) 963-1175.

Sincerely,

Chris Korleski
Director

CK/JMS/cl

cc: Scott Hester, DSIWM-CO
Lynn Sowers, DSIWM-NEDO
Mary Helen Smith, Mahoning County District Board of Health
Thomas Jenkins, Eagon & Associates, Inc.