



**Environmental
Protection Agency**

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

OHIO E.P.A.
SEP 14 2011

ENTERED DIRECTOR'S JOURNAL

SEP 14 2011

I certify this to be a true and accurate copy of the official documents as filed in the records of the Ohio Environmental Protection Agency.

Mr. William J. Barber
District Engineer
Northwestern Water & Sewer District
12560 Middleton Pike
Bowling Green, Ohio 43402

By: Dmy Lasser Date: 9-14-11

**Re: Closed Wales Road Landfill, Wood County
Ohio Administrative Code (OAC) Rule 3745-27-13 Authorization
for Northwestern Water & Sewer District**

Dear Mr. Barber:

On May 27, 2011, the Ohio Environmental Protection Agency (Ohio EPA), Division of Materials and Waste Management (DMWM), Northwest District Office (NWDO) received a request from Hull & Associates, Inc. on behalf of the Northwestern Water & Sewer District (NWWSD) titled "OAC Rule 3745-27-13 Authorization Request - Northwestern Water & Sewer District, for the Geotechnical Drilling and Construction Activities for the City of Rossford Utility/Maintenance Property". The request and subsequent revision, received on July 26, 2011, were submitted pursuant to OAC Rule 3745-27-13 in order to install a tank and pump station at the City of Rossford's (City) utility/maintenance property (Site), which is adjacent to the closed Wales Road Landfill (Facility), located in Wood County.

OAC Rule 3745-27-13 requires authorization from the Director of Ohio EPA (Director) prior to engaging in filling, grading, excavating, building, drilling, or mining activities on land where a solid waste facility was operated. Specifically, NWWSD proposes to perform installation of a clearwell tank, pump station, and associated infrastructure, including an access drive, parking area, and inlet/outlet waterlines at the Site. The waterlines will be connected to the City's water system and piping will be installed, and these activities may be within proximity to the limits of waste placement in the Phase I area of the Facility. Geotechnical drilling will also take place on the City's utility property as part of the project. Because OAC Rule 3745-27-13 extends the definition of "facility" to areas within three hundred feet of the limits of solid waste placement if the activities are likely to impact the integrity of the waste placement or any ancillary structures, OAC Rule 3745-27-13 is applicable to this project.

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

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

CONDITIONS

1. This approval grants NWWSD authorization to perform activities at the Facility in accordance with the revised request titled "OAC Rule 3745-27-13 Authorization Request - Northwestern Water & Sewer District, for the Geotechnical Drilling and Construction Activities for the City of Rossford Utility/Maintenance Property," submitted July 26, 2011. All activities shall be conducted in strict accordance with the plans, specifications, and other information submitted which constitute this request. There may be no deviation from the approved request without prior written authorization from Ohio EPA. Any future activities at the Facility may require additional Ohio EPA approval.
2. The Director, or a representative authorized by the Director, may enter the Facility at any time to make inspections, conduct tests, or examine records and reports pertaining to the authorized activities.
3. Not later than seven (7) calendar days prior to the start of activities associated with this authorization, NWWSD shall submit written notification, which specifies the anticipated date of work commencement, to Ohio EPA, DMWM, NWDO.
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 run-on and run-off, 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 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 that are removed during intrusive activities shall be containerized and securely stored until these materials are properly characterized and disposed in accordance with ORC Chapter 6111 and the regulations promulgated thereunder.
8. Pursuant to OAC Rule 3745-27-13(H)(4), prior to any removal of waste or contaminated soil from the Facility, NWWSD 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, DMWM, NWDO.
9. NWWSD shall take measures to control fugitive dust and other air emissions that may result from activities authorized by this action.
10. In accordance with OAC Rule 3745-27-13(M), this authorization shall terminate three (3) years after its effective date if NWWSD has not begun the activities authorized herein.
11. Not later than sixty (60) days after completing the activities authorized through this approval, NWWSD shall submit to Ohio EPA, DMWM, NWDO a certification report in accordance with OAC Rule 3745-27-13(H)(10).
12. In accordance with OAC Rule 3745-27-13(O), the Director may revoke this authorization if NWWSD violates, or is likely to violate, any applicable law or if continued implementation of the approved plans may cause a threat to human health or safety or the environment.
13. 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 NWWSD, their appointed representative, 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 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 thirty (30) days after notice of the Director's action. The appeal must be accompanied by a filing fee of \$70.00 made payable to "Treasurer, State of Ohio." The Commission, in its discretion, may reduce the fee if by affidavit it is demonstrated that payment of the full amount of the

William J. Barber
Northwestern Water and Sewer District
Page 4 of 4

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
77 South High Street, 17th Floor
Columbus, Ohio 43215

If you have any questions concerning this letter, please contact Brent M. Goetz of Ohio EPA, NWDO at (419) 373-4114.

Sincerely,



Scott J. Nally
Director

Enclosure

cc: Ed Ciecka, City of Rossford
Ryan Murphy, Hull & Associates, Inc.
Brent M. Goetz, DMWM, NWDO
Andy Drumm, DMWM, NWDO
Brad Espen, Wood County Health Dept.