



State of Ohio Environmental Protection Agency

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SEP 16 2002

ENTERED DIRECTOR'S JOURNAL

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Mr. Ken Heintzelman
Village of Millbury
28430 Main Street
Millbury, Ohio 43447

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

By: 3/ma/clements 9/16/02

Re: **Village of Millbury (Asman Landfill), Wood County
Ohio Administrative Code Rule 3745-27-13 Authorization**

Dear Mr. Heintzelman:

By a submittal titled "OAC 3745-27-13 Authorization Permit for the removal of recreation facility equipment and the performance of site improvement activities at the former Asman's landfill Millbury, Ohio" (Request) and received April 29, 2002, the Village of Millbury (Village) requested to remove the current park facilities, improve the cap, and install passive gas vents at the former Asman Landfill. This request for authorization of filling, grading, excavating, and drilling activities was submitted in accordance with the provisions of Ohio Administrative Code (OAC) Rule 3745-27-13.

The information provided in the April 29, 2002, submittal packet and the amendment to the submittal received July 8, 2002, have been reviewed by the Ohio Environmental Protection Agency (Ohio EPA) and found to be complete and in accordance with the requirements of OAC Rule 3745-27-13(C).

Pursuant to OAC Rule 3745-27-13(G), special conditions may be imposed as part of the authorization to ensure compliance with all applicable laws and regulations, and to ensure protection of public health and safety and the environment. The Village is hereby authorized to undertake the tasks proposed within the Request for the removal of recreation facility equipment and the performance of site improvement activities at the former Asman Landfill, Millbury, Ohio, with the following conditions:

1. Ohio EPA, Northwest District Office (NWDO) and the Wood County Health Department shall be notified at least three (3) working days prior to the initiation of any on site work.
2. Not later than ninety (90) days after completion of the activities approved under this authorization, a certification report shall be submitted to Ohio EPA, NWDO to document that all activities were performed in accordance with this authorization.

Bob Taft, Governor
Maureen Q'Connor, Lieutenant Governor
Christopher Jones, Director

3. **All** permits required by Ohio EPA, Division of Surface Water must be obtained prior to any discharge from the fishing **pond**.
4. Ohio EPA, NWDO and the Wood County Health Department shall be contacted in regard to the location and quantity of passive gas vents before installation.
5. Appropriate signage must be posted around the site within 14 days of receipt of this approval to provide notice that methane gas is present and smoking is prohibited.
6. Any 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, surface water run off, and protection of ground water.
7. All solid and/or hazardous waste removed during construction activities shall be containerized (e.g. roll-offs, drums) and securely stored until these materials are properly characterized and disposed in accordance with ORC Chapter 3734 and regulations promulgated thereunder.
8. All liquids, semi-solids, industrial wastes, and other wastes regulated **under** ORC Chapter 6111 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 regulations promulgated thereunder.
9. This authorization may be revoked by the director of Ohio EPA if, at **any** time, any applicable laws have been or are likely to be violated or if continued implementation of the authorized activities may cause a threat **to** public health or safety or the environment.
10. Pursuant to OAC Rule 3745-27-13(H), this authorization shall terminate 18 months after its effective date unless:
 - a. The Village begins the activities outlined in this authorization; or
 - b. The Village has entered into a binding contractual obligation to undertake and complete the activities outlined in this authorization within 24 months of its effective date.

11. Nothing in this letter shall be construed to authorize any waiver from any requirements of applicable state **solid** waste laws or regulations. This authorization shall not be interpreted to release the Village 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 from the facility to the environment.

You are hereby notified that this action of the Director of Environmental Protection 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 shall be filed with the Commission within thirty (30) days after notice of the Director's action. Notice of the filing of the appeal shall be filed with the Director within three (3) days after the appeal is filed with the Commission. An appeal may **be filed** with the Commission at the following address:

Environmental Review Appeals Commission
236 East Town Street, Room 300
Columbus, Ohio 43215

If you have any questions concerning this document, you may contact Ben Smith of Ohio EPA, NWDO at (419) 373-3062

Sincerely,



Christopher Jones
Director

cc: Jim Konopinski, Wood County Health Department
Ben Smith, DSIWM, NWDO
Shawn McGee, Hull and Associates
Scott Hester, DSIWM, CO