



State of Ohio Environmental Protection Agency

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Mr. Jack Gearing
Montgomery County Department of Public Works
2550 Sandridge Drive
Dayton, Ohio 45439

**Re: Montgomery County Ash Management Facility, Montgomery County
Extension of the Termination Deadline for PTI No. 05-6102**

Dear Mr. Gearing:

On February 24, 2003, the Ohio Environmental Protection Agency (Ohio EPA), Southwest District Office (SWDO), received your request to extend the Montgomery County Ash Management Facility Permit-to-Install (PTI No. 05-6102) issued on October 16, 2001. Pursuant to Ohio Administrative Code (OAC) Rule 3745-31-06(A), the permittee is required to undertake a continuing program of installation or modification, or enter into a binding contractual obligation to undertake and complete within a reasonable time a continuing program of installation or modification within 18 months after permit issuance. This rule also allows for a 12-month extension of the time frame.

Citing unfavorable market conditions, Montgomery County Department of Public Works has not begun construction of the facility within the 18-month time frame.

Ohio EPA has reviewed your request and pursuant to OAC Rule 3745-31-06(C), I hereby approve a 12-month extension of the termination date of PTI No. 05-6102. This permit will now terminate on April 16, 2004, unless the owner/operator has undertaken a continuing program of installation or has entered into a binding contractual obligation to undertake and complete within a reasonable time a continuing program of installation.

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. It must be filed with the Commission within thirty days after notice of the director's action. A copy of the appeal must be served on the director within three days of filing 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

Bob Taft, Governor
Jennette Bradley, Lieutenant Governor
Christopher Jones, Director

Montgomery County Ash Management Facility, Montgomery County
Extension of the Termination Deadline for PTI No. 05-6102
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If you have any questions concerning this document, please contact Maria Lammers, Ohio EPA, SWDO at (937) 285-6357.

Sincerely,

Christopher Jones, Director
Ohio Environmental Protection Agency

cc: Montgomery County Commissioners
Montgomery County Health Department
Maria Lammers, Ohio EPA, DSIWM-SWDO
Scott Hester, Ohio EPA, DSIWM-CO