



State of Ohio Environmental Protection Agency

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Mayor Dennis M. Clough
City of Westlake
27700 Hilliard Boulevard
Westlake, Ohio 44145

**Re: Westlake City Sanitary Landfill, Cuyahoga County
Ohio Administrative Code Rule 3745-27-13 Authorization**

Dear Mayor Clough:

On April 11, 2003, the Ohio Environmental Protection Agency (Ohio EPA) received a document titled *Request for Authorization to Engage in Drilling Activities at a portion of the Former City of Westlake Sanitary Landfill, April 1, 2003, Revised April 10, 2003*. The City of Westlake (Westlake) requests authorization to perform certain activities pursuant to Ohio Administrative Code (OAC) Rule 3745-27-13 at the closed City of Westlake Sanitary Landfill (Facility). The document and subsequent revisions to the document dated May 6, May 14, and May 22, 2003, were submitted by Earth Consulting, Limited on behalf of Westlake. The Facility is a closed solid waste disposal facility located at 741 Basset Road, Westlake, Cuyahoga County. The Facility is owned and was last operated by Westlake from 1958 to 1989. Westlake owns and operates a Class IV composting facility and a solid waste transfer station on a portion of the Facility. The area to which this authorization pertains is not located within either the transfer station or composting areas. The work pertains to an area which contains baseball fields, an existing concession stand, and parking areas constructed in the early 1980's. This request for authorization to engage in filling, grading, excavating, building, mining, or drilling activities was submitted in accordance with the provisions of Ohio Administrative Code (OAC) Rule 3745-27-13.

The request specifically proposes to conduct a waste investigation to ascertain the presence or absence of waste along an existing waterline and sanitary sewer that will serve a proposed concession stand constructed within the limits of waste placement. The request proposes to conduct a series of borings using a Geoprobe. This authorization is limited to sampling only. Additional authorization will be required to construct the proposed concession stand, which will replace an existing building.

Based upon a review of the document and subsequent revisions, Ohio EPA has determined that the proposed activities, if conducted in accordance with the request and the following conditions, will not result in a violation of applicable laws and regulations, will not create a nuisance, and are unlikely to adversely affect the public safety or health or the environment. Therefore, Westlake is hereby

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

authorized to perform the activities outlined in this letter in accordance with the submitted plans, specifications, and information. This approval is subject to the following conditions:

Conditions

1. This approval grants authorization to conduct waste unit investigation activities at the Facility, 741 Basset Road, Westlake, Cuyahoga County in accordance with the request titled *Request for Authorization to Engage in Drilling Activities at a portion of the Former City of Westlake Sanitary Landfill, April 1, 2003, Revised April 10, 2003*, and revised May 6, May 14, and May 22, 2003, only. All activities must 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 the express, written approval of Ohio EPA. Any future activities may require additional Ohio EPA approval.
2. Ohio EPA, Northeast District Office (NEDO), Division of Solid and Infectious Waste Management (DSIWM) and the Cuyahoga County Board of Health shall receive written notice not later than 72 hours prior to commencement of the proposed activities.
3. 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.
4. All activities undertaken shall not create a nuisance and shall not adversely affect public safety or health or the environment.
5. All solid and/or hazardous wastes removed during authorized activities shall remain within the waste footprint and shall be securely stored until these materials are properly characterized and disposed in accordance with Chapter 3734 of the Ohio Revised Code (ORC) and regulations promulgated thereunder.
6. 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.
7. Prior to removal of any waste or contaminated soil from the property, Westlake shall submit a copy of a letter of acceptance from the disposal facility to Ohio EPA DSIWM NEDO, pursuant to OAC Rule 3745-27-13(C)(10).
8. No later than 30 days after completion of any sampling activities, Westlake shall submit any soil boring logs and analytical results to Ohio EPA DSIWM NEDO.

9. Westlake shall take measures to minimize the potential for increased subsurface infiltration of surface water due to disturbance of the Facility and other authorized activities.
10. Westlake shall take measures to control fugitive dust and other air emissions due to disturbance of the Facility and other authorized activities.
11. This authorization request includes detail engineering plans related to conducting a series of soil borings and associated site restoration only. This approval only grants authorization for Westlake to engage in filling, grading, excavating, building, mining, or drilling activities at the Facility for the purpose of ascertaining the absence or presence of waste within a water line and sanitary sewer corridor within the Facility. This authorization does not constitute approval of the detail engineering plans for any other purpose.
12. Pursuant to OAC Rule 3745-27-13(H), this authorization shall terminate 18 months after its effective date unless:
 - a. Westlake begins the activities outlined in this authorization; or
 - b. Westlake has entered into a binding contractual obligation to undertake and complete the activities outlined in this authorization within 24 months of its effective date.
13. 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 Westlake 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.

End of Conditions

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 must be filed with the Commission within 30 days after notice of the director's action. Notice of the filing of the appeal shall be filed with the director within three 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
309 South Fourth Street
Room 222
Columbus, Ohio 43215

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

Sincerely,

Christopher Jones
Director

CJ/JMS/cl

cc: Scott Hester, DSIWM-CO
Lynn Sowers, DSIWM-NEDO
Vincent Caraffi, Cuyahoga County Board of Health
Fraser Hamilton, Earth Consulting, LTD.