



State of Ohio Environmental Protection Agency

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Columbus, Ohio 43216-1049

Mr. Angelo Tomaselli, Service Director  
City of Willoughby  
One Public Square  
Willoughby, Ohio 44094

**Re: Pelton Road Landfill, Lake County  
Ohio Administrative Code (OAC) Rule 3745-27-13 Authorization**

Dear Mr. Tomaselli:

On June 8, 2004, the Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM), Northeast District Office (NEDO) received a request titled Request for Rule 13 Authorization Under OAC 3745-27-13, Pelton Road Landfill, City of Willoughby, Willoughby, Lake County, Ohio, dated June 2004, from CT Consultants on behalf of the City of Willoughby (Willoughby). Willoughby requested authorization, pursuant to OAC Rule 3745-27-13, to perform filling activities at the closed Pelton Road Landfill (Facility) located in Lake County.

OAC Rule 3745-27-13 requires authorization from the director of Ohio EPA before engaging in filling, grading, excavating, building, drilling, or mining on land where a solid waste facility was operated. Specifically, Willoughby requested authorization to place additional soil along the eastern slope of the landfill cap, while maintaining a minimum five (5) percent grade within the waste area. Willoughby will also place clean hard fill, as defined under OAC Rule 3745-400-05(A), in a low lying area that is east of the landfill.

Based upon a review of the document, I have determined, pursuant to OAC Rule 3745-27-13, that the proposed activities will not result in 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, Willoughby is hereby authorized to perform the activities outlined in this letter in accordance with the submitted and approved plans, specifications, and information.

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

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

## CONDITIONS

1. This approval grants authorization to perform activities at the Facility in accordance with the document titled Request for Rule 13 Authorization Under OAC 3745-27-13, Pelton Road Landfill, City of Willoughby, Willoughby, Lake County, Ohio, dated June 2004. All activities shall be conducted in strict accordance with the plans, specifications, and other 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. 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.
3. Willoughby shall use soil or clean hard fill, as defined in OAC Rule 3745-400-05(A), to change the grade of the Facility. Solid waste, clean hard fill with solid waste, construction and demolition debris, or petroleum contaminated soil shall not be used as fill or disposed on site.
4. All activities undertaken shall not create a nuisance and shall not adversely affect the public safety or health or the environment.
5. Nothing in this letter shall be construed to authorize any waiver from any requirements of applicable state solid waste laws or regulations. This letter shall not be interpreted to release Willoughby from responsibility under ORC Chapters 3704, 3714, 3734, or 6111; under the Federal Clean Water Act, the Resource Conservation and Recovery 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.

You are hereby notified that this action of the director of Ohio EPA 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. It must be filed with the Commission within thirty (30) days after notice of the director's action. A copy of the appeal must be served on the director within three (3) days after filing with the Commission. An appeal may be filed with the Commission at the following address:

Mr. Angelo Tomaselli, Service Director  
City of Willoughby  
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Environmental Review Appeals Commission  
309 South Fourth Street  
Room 222  
Columbus, Ohio 43215

If you have any questions regarding this authorization, please contact Colum McKenna of Ohio EPA, NEDO at (330) 963-1268.

Sincerely,

Christopher Jones  
Director

CJ/MM/sw

cc: Murat Tukul, DSIWM-NEDO  
Scott Hester, DSIWM-CO  
Laura Kuns, Lake County General Health District  
Owen Karickoff, CT Consultants