



State of Ohio Environmental Protection Agency

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Mr. Tim Hill
Ohio Department of Transportation
Central Office
P.O. Box 899
Columbus, OH 43216-0899

**Re: Ohio Department of Transportation Construction Activities in Huron County
Ohio Administrative Code (OAC) Rule 3745-27-13 Authorization**

Dear Mr. Hill:

On November 22, 2004, the Ohio Environmental Protection Agency (Ohio EPA), Northwest District Office (NWDO) received a request from the Ohio Department of Transportation (ODOT), pursuant to Ohio Administrative Code (OAC) Rule 3745-27-13, to engage in filling, grading, excavating, building, drilling, or mining activities over a portion of an illegal disposal area consisting of unglazed clay pipe and drain tile at the former Seneca Tile Company, also known as the former Bigelow Tile Company. The construction activities will also encounter an open dump area known to consist of appliances, wood, furniture, metal debris, and several empty or rusted 55-gallon drums.

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, ODOT is pursuing this authorization in order to construct a new roadway and railroad grade separation at the intersection of State Routes 60 and 162, northeast of the Village of New London, Ohio. Construction activities also include waste excavation, backfilling of the excavated area using new fill material, and construction of open, positive flow drainage channels. Ultimately, all wastes located within ODOT's property boundaries will be removed, characterized, and properly disposed.

Based upon a review of the information submitted to Ohio EPA, I have determined, pursuant to OAC Rule 3745-27-13, that the proposed activities 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, ODOT is hereby authorized to perform the activities outlined in this letter in accordance with submitted and approved plans, specifications, and information.

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

Bob Taft, Governor
Jennette Bradley, Lieutenant Governor
Joseph P. Koncelik, Director

CONDITIONS

1. This approval grants authorization only to perform activities in accordance with the request titled, *Ohio Department of Transportation Project Hur-60-1.43: OAC 3745-27-13 Permit Application*, received on November 22, 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 property identified in the request may require additional Ohio EPA approval.
2. ODOT shall obtain ownership of the property described in the project. Proof of ownership shall be submitted to Ohio EPA, NWDO not later than (7) calendar days prior to initiation of activities outlined in the request.
3. Not later than seven (7) days prior to the start of construction activities associated with this authorization, ODOT shall submit written notification, which specifies the anticipated date of construction commencement, to Ohio EPA, NWDO.
4. All wastes located within ODOT's property boundaries shall be removed by ODOT, characterized, and properly disposed in accordance with state and federal regulations.
5. 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 regulations promulgated thereunder. Copies of receipts documenting the disposal of such wastes shall be submitted within the certification report required by OAC Rule 3745-27-13(H)(10).
6. All solid and hazardous waste removed from the property identified in the request shall be containerized and securely stored until the materials are properly characterized and disposed in accordance with Ohio Revised Code (ORC) Chapter 3734 and the regulations promulgated thereunder. Copies of receipts documenting the disposal of such wastes shall be submitted within the certification report required by OAC Rule 3745-27-13(H)(10).
7. If, during any activity authorized by this approval, suspected hazardous waste is encountered, Ohio EPA, NWDO, Division of Solid and Infectious Waste Management and Division of Hazardous Waste Management shall be notified immediately.
8. All activities undertaken shall not create a nuisance and shall not adversely affect the public safety or health or the environment.
9. 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.

Mr. Tim Hill, ODOT
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10. ODOT shall comply with all applicable sections of OAC Rule 3745-27-13(H), effective August 15, 2003.
11. The director may revoke this authorization if ODOT violates, or is likely to violate, any applicable law or if continued implementation of the approved plan causes a threat to human health or safety or the environment.
12. Nothing in this letter shall be construed to authorize any waiver from the requirements of any applicable state or federal laws or regulations. This authorization shall not be interpreted to release ODOT 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.

END OF CONDITIONS

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. The appeal shall be filed with the Commission within thirty (30) days after notice of the 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
309 South Fourth St.
Room 222
Columbus, Ohio 43215

If you have any questions or concerns regarding this authorization, please contact Mary Ann Miller of Ohio EPA, NWDO at (419) 373-3060.

Sincerely,

Joseph P. Koncelik
Director

JPK/JS/sw

cc: Huron County Health Department
Mary Ann Miller, DSIWM, NWDO
Scott Hester, DSIWM, CO