



State of Ohio Environmental Protection Agency

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Columbus, Ohio 43216-1049

Ms. Connie Dall
Environmental Manager
Browning-Ferris Industries of Ohio, Inc.
5092 Aber Road
Williamsburg, Ohio 45176

**Re: BFI-Muskingum Landfill, Muskingum County
Ohio Administrative Code Rule 3745-27-13 Authorization**

Dear Ms. Dall:

On May 31, 2005, the Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM), Southeast District Office (SEDO), received a request titled Cap Maintenance, Slope Regrading and Toe Drain Relocation - Rule 13 Cap Disturbance Application from Civil & Environmental Consultants, Inc., on behalf of Browning-Ferris Industries of Ohio, Inc. (BFIO), pursuant to Ohio Administrative Code (OAC) Rule 3745-27-13, to engage in filling, grading, excavating, building, drilling, or mining activities at the closed BFI-Muskingum Landfill (Facility) located in Muskingum County.

OAC Rule 3745-27-13 requires authorization from the Director of Ohio EPA (Director) before engaging in filling, grading, excavating, building, drilling, or mining on land where a solid waste facility was operated. Specifically, BFIO requested authorization for the following: to place additional soil over the existing cap system to improve surface water drainage; to place additional soil fill to address minor surface slumping of final cover soils; and to reconstruct approximately 150 linear feet and relocate approximately 600 linear feet of leachate collection trench. The repairs are necessary to improve management of surface water and minimize leachate production at the Facility.

Based upon a review of the request, 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, BFIO 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, BFIO is subject to the following conditions:

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

CONDITIONS

1. This approval grants authorization to perform activities at the Facility in accordance with the document titled Cap Maintenance, Slope Regrading and Toe Drain Relocation - Rule 13 Cap Disturbance Application, received on May 31, 2005. 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 activities undertaken shall not create a nuisance and shall not adversely affect the public safety or health or the environment.
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. Not later than seven (7) days prior to the start of the activities associated with this authorization, BFIO shall submit written notification, which specifies the anticipated date of work commencement, to Ohio EPA, SEDO.
5. Not later than sixty (60) days after completing the activities authorized by this approval, BFIO shall submit to Ohio EPA, SEDO a certification report in accordance with OAC Rule 3745-27-13(H)(10).
6. All solid and hazardous wastes and soils mixed with wastes that are removed during intrusive activities 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. Waste and contaminated soil removed during intrusive activities shall not be replaced within previously existing horizontal and vertical limits of waste placement at the Facility.
7. 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.
8. If, during excavation, drums or other unusual materials are discovered, the materials shall be containerized and securely stored until they are properly characterized and disposed in accordance with ORC Chapters 6111 or 3734 and regulations promulgated thereunder.

9. In accordance with OAC Rule 3745-27-13(M), this authorization shall terminate three (3) years after its effective date if BFIO has not begun the activities authorized herein.
10. 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 BFIO 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.
11. The Director may revoke this authorization if BFIO violates, or is likely to violate, any applicable law or if continued implementation of the approved plans causes a threat to human health or safety or the environment.

You are hereby notified that this action of the Director 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:

Environmental Review Appeals Commission
309 South Fourth Street Room 222
Columbus, Ohio 43215

If you have any questions regarding this authorization, please contact Mark Mansfield of Ohio EPA, SEDO at (740) 380-5428.

Sincerely,

Joseph P. Koncelik
Director

JPK/js/sw

cc: Richard Fox, DSIWM-SEDO
Scott Hester, DSIWM-CO
Muskingum County Health Department