



State of Ohio Environmental Protection Agency

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Michael Sekulich, Pam Sekulich, and Walter Vogel
Tallmadge Asphalt and Paving Company, Inc.
741 Tallmadge Road
Brimfield, Ohio 44240

**Re: Tallmadge Asphalt and Paving Facility, Summit County
Ohio Administrative Code (OAC) Rule 3745-27-13 Authorization**

Dear Mr. and Ms. Sekulich and Mr. Vogel:

On July 20, 2005, the Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM), Northeast District Office (NEDO) received a request titled Rule 13 Application for Authorization Submittal, Former Tallmadge Asphalt and Paving Facility, July 2005 from Emerald Environmental, Inc. (Emerald), on behalf of Tallmadge Asphalt and Paving Company, Inc. (Tallmadge Asphalt), pursuant to OAC Rule 3745-27-13, to engage in filling, grading, excavating, building, drilling, or mining activities at the former Tallmadge Asphalt and Paving Facility (Facility) located in Summit County. Revisions to the document, dated July 25, 2005, were received on July 26, 2005.

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, Tallmadge Asphalt requested to conduct a waste investigation to ascertain the quality of ground water and leachate within the Facility's waste mass, as well as chemical characterization of waste samples obtained. Tallmadge Asphalt proposes to install a series of eight (8) borings using either auger-drilling or Geoprobe™ techniques to a depth of 20 feet. Estimated waste depths in the areas to be sampled are 30 to 50 feet. Collection of in-situ ground water (leachate) grab samples is also proposed.

Based upon a review of the request and subsequent revisions, 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, Tallmadge Asphalt is hereby authorized to perform the activities outlined in this letter in accordance with the submitted plans, specifications, and information. This letter only authorizes waste investigation activities, and any additional development over the Facility will require a separate authorization.

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

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

CONDITIONS

1. This approval grants authorization to conduct waste investigation activities at the Facility in accordance with the request titled Rule 13 Application for Authorization Submittal, Former Tallmadge Asphalt and Paving Facility, July 2005, revised July 25, 2005, 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 prior written authorization from Ohio EPA. Any future activities at the Facility may require additional Ohio EPA approval.
2. Not later than seventy-two (72) hours prior to the start of activities associated with this authorization, Tallmadge Asphalt shall submit written notification, which specifies the anticipated date of work commencement, to Ohio EPA, NEDO and the Summit County Health Department.
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 on-site activities shall be performed in a manner that prevents migration of leachate, explosive gas, or toxic gas from the Facility.
5. All activities undertaken shall not create a nuisance and shall not adversely affect public safety or health or the environment.
6. All solid waste to be removed from the Facility shall be containerized and securely stored until these materials are properly characterized and disposed in accordance with Ohio Revised Code (ORC) Chapter 3734 and the regulations promulgated thereunder.
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 the regulations promulgated thereunder.
8. Prior to any removal of waste or contaminated soil from the Facility, Tallmadge Asphalt shall submit copies of sample analysis results, the treatment or disposal method selected, and a letter of acceptance from the treatment or disposal facility to Ohio EPA, NEDO pursuant to OAC Rule 3745-27-13(H)(4).
9. Not later than sixty (60) days after completing the activities authorized by this approval, Tallmadge Asphalt shall submit to Ohio EPA, NEDO a certification report in accordance with OAC Rule 3745-27-13(H)(10).
10. Tallmadge Asphalt shall take measures to minimize the potential for increased infiltration of surface water that may result from activities authorized by this action.

11. Tallmadge Asphalt shall take measures to control fugitive dust and other air emissions that may result from activities authorized by this action.
12. In accordance with OAC Rule 3745-27-13(M), this authorization shall terminate three (3) years after its effective date if Tallmadge Asphalt has not begun the activities authorized herein.
13. The Director may revoke this authorization if Tallmadge Asphalt 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.
14. 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 Tallmadge Asphalt 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 to 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 concerning this authorization, please contact John Schmidt of Ohio EPA, NEDO at (330) 963-1175.

Sincerely,

Joseph P. Koncelik
Director

JPK/MM/JS/sw

cc: Scott Hester, DSIWM-CO
Lynn Sowers, DSIWM-NEDO
Derrick Willis, Summit County Health Department
Kevin Reaman, Emerald Environmental, Inc.