



State of Ohio Environmental Protection Agency

STREET ADDRESS:

MAILING ADDRESS:

Lazarus Government Center
122 S. Front Street
Columbus, Ohio 43215

TELE: (614) 644-3020 FAX: (614) 644-3184
www.epa.state.oh.us

P.O. Box 1049
Columbus, Ohio 43216-1049

Mr. Daniel T. Titus
Environmental Manager
Allied Waste Industries, Inc.
43502 Oberlin-Elyria Road
Oberlin, Ohio 44074

**Re: BFIO Lorain I Landfill, Lorain County
Ohio Administrative Code (OAC) Rule 3745-27-13 Authorization**

Dear Mr. Titus:

On April 7, 2005, Browning-Ferris Industries of Ohio, Inc. (BFIO) submitted to the Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM), Northeast District Office (NEDO) a request, pursuant to OAC Rule 3745-27-13, to engage in filling, grading, excavating, building, drilling, or mining activities at the closed Lorain I Landfill (Facility) located in Lorain County. BFIO submitted revisions to the request on January 24, 2006; March 16, 2006; and May 11, 2006.

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, the following activities are being proposed in the request: installation of surface water collection areas, improvement of gas and leachate collection wells, tie-in of the leachate system to the Oberlin Wastewater Treatment Plant (WWTP) which is located on an adjacent property, construction of an access roadway across the landfill cap, addition of leachate toe drains as necessary, general cleanup and maintenance activities of ditches and letdowns, and general site grading. The collection areas are designed to collect storm water from ponding due to differential settlement. In order to increase the efficiency of the current gas extraction system, BFIO is proposing to add pumps to the existing wells to remove leachate. Additionally, in order to improve access to the Lorain II Landfill, a non-contiguous landfill, and a power plant on BFIO's property, an alternate access route across the landfill is also being proposed.

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

Mr. Daniel T. Titus
Allied Waste Industries, Inc.
Page 2 of 4

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 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:

CONDITIONS

1. This approval grants BFIO authorization to perform activities at the Lorain I Landfill in accordance with the request titled Rule 13 Authorization Application ("Rule 13") submitted on April 7, 2005, and subsequent revisions submitted on January 24, 2006; March 16, 2006; and May 11, 2006, only. 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 Lorain I Landfill 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 runoff, and protection of ground water.
3. All on-site activities shall be performed in a manner that prevents migration of leachate, explosive gas, or toxic gas from the Facility.
4. All activities undertaken shall not create a nuisance and shall not adversely affect the public safety or health or the environment.
5. All solid waste to be removed during activities authorized through this approval 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.
6. 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.

7. Prior to any removal of waste or contaminated soil from the property, BFIO shall submit copies of sample analysis results, the treatment or disposal method selected, and a copy of a letter of acceptance from the treatment or disposal facility to Ohio EPA, NEDO, pursuant to OAC Rule 3745-27-13(H)(4).
8. For the purposes of erosion control during all phases of this authorization, BFIO shall use best management practices and standards as specified in the Ohio Department of Natural Resources manual titled Rainwater and Land Development.
9. If excavation occurs outside the limits of waste placement at the Facility, BFIO shall not use material consisting of solid or hazardous waste to backfill the excavated areas.
10. Not later than forty-eight (48) hours prior to the commencement of the projects specified on pages 4 and 5 of the Rule 13, BFIO shall submit written notification that specifies both the anticipated start and completion times of each project to Ohio EPA, NEDO and the Lorain County Board of Health.
11. In accordance with OAC Rule 3745-27-13(M), this authorization shall terminate three years after its effective date if BFIO has not begun the activities authorized herein.
12. The director may revoke this authorization if BFIO violates, or is likely to violate, any applicable law or if the continued implementation of the approved plans causes a threat to human health or safety or the environment.
13. 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 BFIO or others 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.

Mr. Daniel T. Titus
Allied Waste Industries, Inc.
Page 4 of 4

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 made 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 Mr. Jerry Parker of Ohio EPA's NEDO at (330) 963-1186.

Sincerely,

Joseph P. Koncelik
Director

JPK/JP/MM/sw

cc: Murat Tukul, DSIWM-NEDO
Scott Hester, DSIWM-CO
Jim Boddy, Lorain County Board of Health