



State of Ohio Environmental Protection Agency

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December 4, 2007

Mr. Don Glauner
Director of Public Service
City of Westlake
Department of Public Service
27700 Hilliard Boulevard
Westlake, OH 44145

**RE: WESTLAKE LANDFILL, CITY OF WESTLAKE, CUYAHOGA COUNTY
EXPLOSIVE GAS MONITORING PLAN APPROVAL**

Dear Mr. Glauner:

On September 28, 2007, the Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM), Northeast District Office (NEDO), received the document titled: "*Explosive Gas Monitoring Plan*" (EGMP) for the Closed Westlake Landfill (Facility). On behalf of the city, the revised EGMP was prepared by SCS Engineers in accordance with Ohio Administrative Code (OAC) Rule 3745-27-12, effective August 15, 2003. The plan was initially submitted in September 2005 with revisions in January 2007 and September 2007.

Ohio EPA has reviewed the revised September 2007 EGMP, and has determined that the document meets the applicable requirements. Therefore, I hereby approve the September 2007 EGMP for the closed Westlake Landfill. The owner shall implement the September 2007 EGMP in accordance with the following conditions:

CONDITIONS

1. All activities must be conducted in strict accordance with the plans, specifications, and information submitted as part of the September 2007 EGMP. There may be no deviation from the approved plans without the express, written approval of Ohio EPA. Any future activities may require additional Ohio EPA approval.

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

2. Ohio EPA, Northeast District Office (NEDO), Division of Solid and Infectious Waste Management (DSIWM), and the Cuyahoga County Board of Health shall receive written notice not later than seventy-two (72) hours prior to commencement of the proposed activities.
3. Not later than sixty (60) days after the effective date of this approval, Westlake shall implement the September 2007 EGMP.
4. Issuance of this approval does not constitute expressed or implied agreement that the monitoring of the Facility performed and implemented in accordance with the September 2007 EGMP and/or its terms and conditions will constitute compliance with applicable federal and state laws, rules, and regulations, nor does issuance of this plan approval assure that necessary operating permits or licenses will be granted.
5. Nothing in this letter shall be construed to authorize any waiver from the requirements of any applicable federal or state laws or regulations. This authorization shall not be interpreted to release Westlake or others from responsibility under Ohio Revised Code (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.

END OF CONDITIONS

You are hereby notified that this action of the Director of Ohio EPA (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. The appeal must be filed with the Commission within 30 days after notice of the director's action. The appeal must be accompanied by a filing fee of \$70.00 which the Commission, in its discretion, may reduce if by affidavit you demonstrate that payment of the full amount of the fee would cause extreme hardship. Notice of the filing of the appeal shall be filed with the Director within three days of filing with the Commission. Ohio EPA requests that a copy of the appeal be served upon the Ohio Attorney General's Office, Environmental Enforcement Section. 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

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City of Westlake
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If you have any questions concerning this authorization, please contact Mr. Jerry Parker at Ohio EPA's Northeast District Office at (330) 963-1186.

Sincerely,

Chris Korleski
Director, Ohio EPA

CK/JP/cl

cc: Murat Tukul, DSIWM-NEDO
Scott Hester, DSIWM-CO
Colin Johnson, Cuyahoga County Board of Health
Randall Mills, SCS Engineers