



Mike DeWine, Governor
Jon Husted, Lt. Governor
Laurie A. Stevenson, Director

MAR 25 2019



Mr. Rick Brogan
General Manager
Lorain County Landfill, LLC
43502 Oberlin-Elyria Road
Oberlin, OH 44074

**Re: Lorain County II Landfill LLC
Non-Permit Related Exemption
Approval
Municipal Solid Waste Landfills
Lorain County
MSWL018801**

**Subject: Lorain County II Landfill, Lorain County
Exemption from Requirement of Ohio Administrative Code (OAC) Rule
3745-27-19(E)(8)(f)**

Dear Mr. Brogan:

Ohio EPA MAR 25 '19
Entered Directors Journal

On February 4, 2019, the Ohio Environmental Protection Agency (Ohio EPA), Northeast District Office (NEDO), Division of Materials and Waste Management (DMWM) received an exemption request, dated January 29, 2019, for the Lorain County II Landfill (Facility) located in Lorain County. The request was prepared by Republic Services, on behalf of Lorain County Landfill, LLC. Supplemental information was submitted on February 13, 2019.

Because locally available registered composting facilities will not currently accept source separated yard waste collected by Browning-Ferris Industries of Ohio Hauling Company (BFIO), the submittals present a short term plan for disposing source separated yard waste at the Facility until December 31, 2019, and request an exemption from the disposal restriction contained in Ohio Administrative Code (OAC) Rule 3745-27-19(E)(8)(f) which states in part that the owner or operator "...shall not accept for disposal or dispose of...[y]ard waste, source-separated yard waste, or commingled yard waste as defined in rule 3745-27-01 of the Administrative Code."

Pursuant to Ohio Revised Code (ORC) 3734.02(G) and OAC Rule 3745-27-03(B), the director may, by order, exempt any person generating, collecting, storing, treating, disposing of, or transporting solid wastes, including scrap tires, from any requirement of Chapter 3734. of the Revised Code or any rules adopted thereunder if granting the exemption is unlikely to adversely affect the public health or safety or the environment.

Based on the information contained in the request, Ohio EPA has determined that granting an exemption from the requirement of OAC Rule 3745-27-19(E)(8)(f) is unlikely

to adversely affect public health or safety or the environment. Therefore, pursuant to ORC Section 3734.012(G) and OAC Rule 3745-27-03(B), Lorain County Landfill, LLC is hereby granted an exemption from the requirement of OAC Rule 3745-27-19(E)(8)(f) in order to accept for disposal and dispose source separated yard waste collected by BFIO at the Facility until December 31, 2019.

This approval shall not be construed to release the owner or operator from the obligation to comply with any other requirements and shall expire on December 31, 2019.

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 pursuant to Section 3745.04 of the Ohio Revised Code. 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 thirty (30) days after notice of the Director's action. The appeal must be accompanied by a filing fee of \$70.00 made payable to "Treasurer, State of Ohio." The Commission, in its discretion, may reduce the fee if by affidavit it is demonstrated 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 (3) 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 Environmental Review Appeals Commission at the following address:

Environmental Review Appeals Commission
30 E. Broad St., 4th Floor
Columbus, Ohio 43215

If you have any questions concerning this action, please contact Katharina Snyder, DMWM, NEDO at (330) 963-1257.

Sincerely,



Laurie A. Stevenson
Director

LAS:KS

ec: Lynn Sowers, Ohio EPA, NEDO, DMWM
Juston Carpenter, Lorain County Public Health