



John R. Kasich, Governor
Mary Taylor, Lt. Governor
Craig W. Butler, Director

OHIO EPA

FEB - 5 2016

ENTERED DIRECTOR'S JOURNAL

FEB - 5 2016

Mr. T.J. Reagan
Managing Partner
Harbor Inn Partnership, LLC
9549 Johnnycake Ridge Road
Mentor, Ohio 44060

RE: ~~Willoughby Glenn Avenue Landfill~~
Director's Authorization
Approval
Municipal Solid Waste Landfills
Lake County
MSWL021205

**Subject: Willoughby Glenn Avenue Landfill, Lake County
Ohio Administrative Code (OAC) Rule 3745-27-13 Authorization**

Dear Mr. Reagan:

On September 3, 2015, the Ohio Environmental Protection Agency (Ohio EPA), Division of Materials and Waste Management (DMWM), Northeast District Office (NEDO), received the following request: "Rule 13 Application to build a parking area over abandoned Landfill, and new two-story building adjacent to abandoned Landfill" (Request). The Request was prepared by Vocon Design, on behalf of Harbor Inn Partnership, LLC (HIP), to conduct activities on the closed Willoughby Glenn Avenue Solid Waste Landfill in Lake County. Revisions to the Request were submitted on October 6, 2015; October 29, 2015; December 10, 2015; and December 23, 2015. The Request was submitted pursuant to Ohio Administrative Code (OAC) Rule 3745-27-13.

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. HIP is proposing to construct a restaurant/brewery and parking lot on 1.5 acres at 3941 Erie Street, City of Willoughby, Lake County, Ohio. The Request includes the following activities:

- Extending the parking lot over a portion of the limits of solid waste placement (LSWP) at the closed landfill.
- Conducting six geotechnical borings within and along the western edge of the LSWP to a depth of 15 to 25 feet, or to bedrock refusal, whichever is shallower, to delineate the limits of waste.
- Installing an explosive gas alarm in the restaurant/brewery and two permanent monitors or punch bar stations between the structure and the LSWP.

Based upon a review of the Request, I have determined, pursuant to OAC Rule 3745-27-13, that the proposed activities, if conducted in accordance with the Request and the following conditions, will not result in a violation of applicable laws or regulations, will not create a nuisance, and will not adversely affect the public safety or health or the environment. Therefore, HIP and/or its appointed representative are 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, HIP and/or its appointed representative are subject to the following conditions:

CONDITIONS

1. This approval grants authorization to perform activities at the Facility in accordance with the Request as submitted on September 3, 2015 with revisions through December 23, 2015. All activities shall be conducted in strict compliance with the plans, specifications, and other information submitted as part of the 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 90 days after the effective date of this authorization, HIP or its appointed representative shall install the two permanent explosive gas monitors or punch bar stations between the proposed structure and the LSWP, as proposed in the Request. Not later than 120 days after the effective date of this authorization, HIP shall submit to Ohio EPA, for concurrence, a plan providing for explosive gas monitoring and contingency provisions at the HIP property in accordance with the appropriate sections of OAC Rule 3745-27-12. Following installation of the two permanent explosive gas monitors or punch bar stations, and until Ohio EPA provides concurrence on the plan, HIP and/or its appointed representative shall conduct monthly monitoring of the two permanent monitors or punch bar stations between the structure and the LSWP. Following Ohio EPA's concurrence on the monitoring plan, HIP and/or its appointed representative shall conduct explosive gas monitoring and contingency activities in accordance with the plan concurred with by Ohio EPA.
3. Not later than 72 hours prior to the start of activities associated with this authorization, HIP and/or its appointed representative shall submit written notification, which specifies the anticipated date of work commencement, to Ohio EPA, NEDO, DMWM.
4. HIP and/or its appointed representative shall allow access to the Facility to the Director or a representative authorized by the Director at any time to make inspections, conduct tests, or examine records and reports pertaining to the authorized activities.
5. 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, and surface water run-on and run-off and protection of ground water.
6. All on-site activities shall be performed in a manner that prevents migration of leachate, explosive gas, or toxic gas from the Facility.
7. HIP and/or its appointed representative shall take measures to control fugitive dust and other air emissions that may result from activities authorized by this approval.
8. All activities undertaken shall not create a nuisance and shall not adversely affect public safety or health or the environment.
9. All solid and/or hazardous waste removed during construction activities shall be containerized and securely stored until these materials are properly characterized and

disposed of in accordance with Ohio Revised Code (ORC) Chapter 3734 and the regulations promulgated thereunder.

10. 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 of in accordance with ORC Chapter 6111 and the regulations promulgated thereunder.
11. Prior to any removal of waste or contaminated soil from the Facility, HIP and/or its appointed representative 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, DMWM in accordance with OAC Rule 3745-27-13(H)(4).
12. Not later than 60 days after completing the activities authorized by this approval, HIP and/or its appointed representative shall submit to Ohio EPA, NEDO, DMWM a certification report in accordance with OAC Rule 3745-27-13(H)(10).
13. For the purposes of erosion control, HIP and/or its appointed representative shall use best management practices and standards as specified in the Natural Resources Conservation manual titled Rainwater and Land Development prepared by the Ohio Department of Natural Resources, Division of Soil & Water Conservation.
14. No boring or excavation shall occur unless the excavated waste is replaced within previously existing horizontal and vertical limits of waste placement or is treated or disposed of at a licensed, permitted treatment or disposal facility, in accordance with ORC Chapter 3734 and the regulations promulgated thereunder.
15. If boring or excavation occurs outside the limits of waste placement at the Facility, HIP shall not use material consisting of solid waste or hazardous waste to backfill the bored or excavated areas.
16. In accordance with OAC Rule 3745-27-13(M), this authorization shall terminate three years after its effective date if HIP and/or its appointed representative has not begun the activities authorized herein.
17. In accordance with OAC Rule 3745-27-13(O), the Director may revoke this authorization if HIP and/or its appointed representative violates, or is likely to violate, any applicable law or if continued implementation of the approved plans may cause a threat to human health or safety or the environment.
18. Nothing in this letter shall be construed to authorize any waiver from any requirements of applicable federal or state laws or regulations. This authorization shall not be interpreted to release HIP and/or its appointed representative 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.

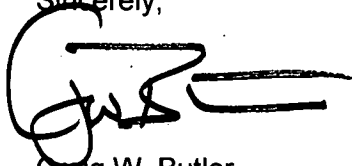
END OF CONDITIONS

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 Ohio Revised Code 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 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 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
77 South High Street, 17th Floor
Columbus, Ohio 43215

If you have any questions regarding this authorization, please contact Mr. Jerry Parker of Ohio EPA, NEDO, DMWM at (330) 963-1186 or at jerry.parker@epa.ohio.gov.

Sincerely,



Craig W. Butler
Director

CWB:JP:cla

Attachment

ec: Jarnal Singh, NEDO, DMWM
Scott Hester, CO, DMWM
Chris Loxterman, Lake County General Health District
Jason Burick, Vocon Design