



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

OHIO EPA

FEB 16 2016

ENTERED DIRECTOR'S JOURNAL

FEB 16 2016

Mr. Jeremy Sentman
Senior Vice President, Surety Claims
Bond Safeguard Insurance Company
900 S. Frontage Road, Suite 250
Woodridge, IL 60517

RE: **Central Waste, Inc.
Director's Authorization
Approval
Municipal Solid Waste Landfills
Mahoning County
MSWL018792**

**Subject: Central Waste Landfill
OAC Rule 3745-27-03(C) Variance Approval
Closure/Post-Closure Care Plan Revision Approval**

Dear Mr. Sentman:

On December 17, 2015, the Ohio Environmental Protection Agency (Ohio EPA), Division of Materials and Waste Management (DMWM), Northeast District Office (NEDO) received a document titled "Revised Closure/Post-Closure Plan, Central Waste Disposal Facility, Permit to Install No. 02-14224, CEC Project 153-121.0001." The document requests approval of a revision to the closure/post-closure care plan for the Central Waste Disposal facility located in Smith Township, Mahoning County, Ohio. The document was also submitted pursuant to Ohio Administrative Code (OAC) Rule 3745-27-03(C), seeking a variance from the minimum final cap system grade requirement of OAC Rule 3745-27-08(C)(4)(c). The document was submitted by Civil and Environmental Consultants, Inc. (CEC), on behalf of Bond Safeguard Insurance Company (BSIC).

OAC Rule 3745-27-08(C)(4)(c) requires that a composite cap system be designed and constructed with at least a 5.0 percent grade in all areas except where surface water control structures are located. BSIC is requesting a variance from this rule and has designed the composite cap system with at least a 3 percent grade.

Pursuant to Ohio Revised Code (ORC) Section 3734.02(A) and OAC Rule 3745-27-03(C), the Director may grant a variance if he determines that construction, operation, closure activities and/or post-closure activities of the solid waste facility in the manner approved by the variance and any terms or conditions imposed as part of the variance will not create a nuisance or hazard to public health or safety or the environment and are unlikely to result in a violation of any other requirements of ORC Chapters 3704, 3714, 3734, and 6111 and any rules adopted thereunder.

Upon review of the variance request and the revised closure/post-closure care plan, I have determined that granting the variance and approving the revision to the closure/post-closure care plan will not create a nuisance or hazard to public health or safety or the environment and is unlikely to result in a violation of any other requirements of ORC Chapters 3704, 3714, 3734, and 6111 and any rules adopted thereunder.

Therefore, BSIC is hereby granted a variance, pursuant to ORC Section 3734.02(A) and OAC Rule 3745-27-03(C), from the requirement of OAC Rule 3745-27-08(C)(4)(c) that the final

composite cap system must be constructed with at least a 5.0 percent grade. In lieu of this requirement, BSIC is authorized to construct the composite cap system with at least a 3.0 percent grade, as designed in the revised closure/post-closure care plan dated December 16, 2015. This variance shall remain in effect throughout the effective period of Permit to Install Number 02-14224 unless otherwise revoked. Additionally, Ohio EPA hereby approves the revision to the closure/post-closure care plan, dated December 16, 2015 and received by Ohio EPA on December 17, 2015.

You are hereby notified that this action of the Director is final and may be appealed to the Environmental Review Appeals 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 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
77 South High Street, 17th Floor
Columbus, Ohio 43215

If you have any questions regarding this matter, please contact Karen Naples of the Northeast District Office, Division of Materials and Waste Management at (330) 963-1244.

Sincerely,



Craig W. Butler
Director

Attachment

ec: Lynn Sowers, NEDO, DMWM
Scott Hester, CO, DMWM
Dave Fetchko, Mahoning County District Board of Health