



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

JUNE 19, 2018

Erik Licis  
Zayo Group  
4199 Kinross Lakes Parkway, Suite #10  
Richfield, Ohio 44286

**Re: Grayton Road Landfill  
Director's Authorization  
Approval  
Municipal Solid Waste Landfills  
Cuyahoga County  
MSWL020057**

Ohio EPA JUN 19 '18  
Entered Directors Journal

**Subject: Grayton Road Landfill, Cuyahoga County  
Ohio Administrative Code (OAC) Rule 3745-27-13 Authorization**

Dear Mr. Licis:

On April 13, 2018, the Ohio Environmental Protection Agency (Ohio EPA), Division of Materials and Waste Management (DMWM), Northeast District Office (NEDO) received a document titled "Rule 13 Authorization Application, City of Brook Park, Cuyahoga County, Ohio, Aerospace Parkway & Grayton Road Landfill" (Request). The Request was submitted in accordance with OAC Rule 3745-27-13(E) by Metropolitan Communications Group, on behalf of the Zayo Group (Zayo), for the closed Grayton Road Landfill (Facility) located in the City of Brook Park, Ohio. Revisions to the Request were received April 24, 2018.

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. The Facility operated as a municipal solid waste landfill that also accepted industrial waste until 1977. Specifically, Zayo is requesting to install two 1.25" conduits within the fill material above waste at the Facility. Any cap that has been disturbed will be restored to its original condition as required by the rule.

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 as submitted on April 13, 2018, and as revised through April 24, 2018, along with the following conditions, will not result in violation of applicable laws and regulations, will not create a nuisance, and are unlikely to adversely affect public safety or health or the environment. Therefore, Zayo is hereby authorized to perform the activities outlined in this letter in accordance with the plans, specifications, and information submitted as part of the Request.

As part of this approval, Zayo is subject to the following conditions:

## CONDITIONS

### General Conditions:

1. This approval grants authorization to perform activities at the Facility in accordance with the Request as submitted on April 13, 2018, and last revised on April 24, 2018. All activities shall be conducted in strict accordance 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 seventy-two (72) hours prior to the start of the activities associated with this authorization, Zayo shall submit written notification, which specifies the anticipated date of commencement, to Ohio EPA, DMWM, NEDO and the Cuyahoga County Board of Health.
3. Access shall be allowed at 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.
4. 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 run-off, and protection of ground water.

### Operational Conditions:

5. OAC Rule 3745-27-13(G)(3)(c)  
Any solid and/or hazardous waste to be removed from the Facility 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.
6. ORC Chapter 6111  
Any 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.

13. OAC Rule 3745-27-13(M)

This authorization shall terminate three (3) years after its effective date if Zayo has not begun the activities authorized herein.

14. OAC Rule 3745-27-13(O)

The Director may revoke this authorization if Zayo 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.

**END OF CONDITIONS**

Nothing in this letter shall be construed to authorize any waiver from the requirements of any applicable federal or state laws or regulations except as specified herein. This authorization shall not be interpreted to release Zayo 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.

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  
30 East Broad Street, 4<sup>th</sup> Floor  
Columbus, Ohio 43215

If you have any questions regarding this authorization, please contact Karen Naples of Ohio EPA, NEDO at (330) 963-1244.

Sincerely,

A handwritten signature in black ink, appearing to read 'CWB', with a long horizontal flourish extending to the right.

Craig W. Butler  
Director

CWB:KN

ec: Dane Tussel, Cuyahoga County Board of Health  
Tim Kozlowski, Metropolitan Communications Group  
Scott Hester, Ohio EPA, Central Office, DMWM