

ODOT is hereby authorized to perform the proposed construction activities outlined in this letter in accordance with submitted plans, specifications, and information. This approval is subject to the following conditions:

CONDITIONS

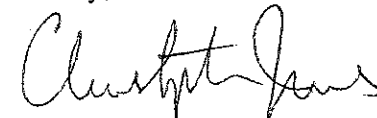
1. Any on-site activities shall be accomplished in compliance with all applicable state and federal laws and regulations pertaining to environmental protection, including but not limited to the control of air pollution, leachate, surface water run on, surface water run off, and protection of ground water.
2. Any activities undertaken shall not create a nuisance, and shall not adversely affect public safety, human health, or the environment.
3. Excavated waste will be stockpiled on an impermeable membrane and covered with an impermeable membrane. Excavated waste may be reused as backfill within the footprint of the landfill and all surplus waste will be tested, characterized, and disposed in an appropriate Ohio EPA permitted landfill as noted in the November 2000 and April 20, 2001, requests.
4. ODOT will use the following engineering controls:
 - A. Low strength mortar back-fill cut-offs at the limits of waste placement in the sewer trenches to prevent infiltration or exfiltration of groundwater and/or leachate. Low strength mortar will have a maximum permeability of 10^{-7} cm/sec.
 - B. Sewer manholes will consist of premium joint construction and sealed boots that are specified for sewer-manhole connections.
 - C. Catch basins will be fabricated as one piece and have no joints below grades other than sealed boots.
5. All liquids, semi-solids, industrial wastes, and other wastes regulated under ORC Chapter 6111 removed during intrusive activities shall be containerized and securely stored until these materials are properly characterized and disposed in accordance with ORC Chapter 6111 and regulations promulgated thereunder.
6. Any portions of the landfill disturbed by activities authorized by this approval shall be closed in accordance with OAC Rule 3745-27-10, effective July 29, 1976.
7. Pursuant to OAC Rule 3745-27-13(H), this authorization shall terminate 18 months after its effective date unless:

- a. ODOT begins the activities outlined in this authorization; or
 - b. ODOT has entered into a binding contractual obligation to undertake and complete the activities outlined in this authorization within 24 months of its effective date.
8. Nothing in this letter shall be construed to authorize any waiver from any requirements of applicable state solid waste laws or regulations. This authorization shall not be interpreted to release ODOT or others from responsibility under ORC Chapters 3704, 3714, 3734, or 6111, the Federal Clean Water Act, the Resource Conservation and Recovery Act, the Toxic Substances and 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 from the facility to the environment.

You are hereby notified that this action of the director of Environmental Protection is final and may be appealed to the Environmental Review Appeals 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. Notice of the filing of the appeal shall be filed with the director within three days after the appeal is filed with the commission. An appeal may be filed with the commission at the following address:

Environmental Review Appeals Commission
236 East Town Street
Room 300
Columbus, Ohio 43215

Sincerely,



Christopher Jones
Director

CJ/CJM/cl

cc: Lynn Sowers, DSIWM-NEDO
Scott Hester, DSIWM-CO
Laura Kuns, Lake County General Health District
John Zampino, HZW Environmental Consultants, Inc.