



State of Ohio Environmental Protection Agency

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Alan Bellis, Project Manager
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Garfield Land Development, LLC; GHLFP, LLC
30575 Bainbridge Road, Suite 100
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Sam P. Cannata, David B. Snider, Partners
Vista Way Partners, LLC
5595 Transportation Boulevard, Suite 100
Garfield Heights, OH 44125

Michael Boyas, President
Peter J. Limited
10055 Sweet Valley Drive
Valley View, OH 44152

**RE: R & B DEVELOPMENT LANDFILL, GARFIELD HEIGHTS, CUYAHOGA COUNTY
EXPLOSIVE GAS MONITORING PLAN APPROVAL**

Gentlemen:

On February 22, 2005, the Ohio Environmental Protection Agency (Ohio EPA) received a February 21, 2005, document titled *Explosive Gas Monitoring Plan, R&B Development Landfill, Garfield Heights, Cuyahoga County, Ohio* (hereafter referred to as the "2005 EGMP"). Revisions to the submitted 2005 EGMP were received through April 2005. The 2005 EGMP revises R&B Development Landfill's (Landfill) currently effective explosive gas monitoring plan, which was approved on December 18, 2003.

The 2005 EGMP was submitted pursuant to Ohio Administrative Code (OAC) Rule 3745-27-12, effective August 15, 2003. The Landfill is a closed solid waste disposal facility located at 5661 Canal Road, City of Garfield Heights, Cuyahoga County. The Landfill was licensed by the Cuyahoga County Board of Health from 1969 to 1978. Waste disposal is believed to have occurred at the site between 1969 and 1978.

The 2005 EGMP was prepared by SCS Engineers and McCabe Engineering on behalf of the Landfill owners/operators. Portions of this site are owned by several entities, including McGill Property Group through Garfield Land Development, LLC and GHLFP, LLC; Peter J. Limited; and Vista Way Partners, LLC, through David B. Snider and Sam P. Cannata (hereafter collectively referred to as the "Landfill Owners/Operators").

Ohio EPA has reviewed the submitted 2005 EGMP, including revisions through April 8, 2005, and

Bob Taft, Governor
Jennette Bradley, Lieutenant Governor
Joseph P. Koncelik, Director

we have determined it meets applicable requirements. Therefore, I hereby approve the 2005 EGMP for the closed R&B Development Landfill. As part of this approval, the Landfill Owners/Operators are subject to the following conditions:

Conditions

1. The Landfill Owners/Operators shall implement the explosive gas monitoring plan at the R&B Development Landfill, 5661 Canal Road, City of Garfield Heights, Cuyahoga County, in accordance with the 2005 EGMP including revisions through April 2005. All activities shall be conducted in strict accordance with the plans, specifications, and information submitted as part of this plan. There may be no deviation from the approved plan without the express, written approval of Ohio EPA. Any future activities may require additional Ohio EPA approval.
2. Ohio EPA, Northeast District Office (NEDO), Division of Solid and Infectious Waste Management (DSIWM), and the Cuyahoga County Board of Health (CCBH) shall receive written notice not later than seventy-two (72) hours prior to commencement of the proposed activities.
3. Not later than forty-five (45) days after the effective date of this approval, the Landfill Owners/Operators shall implement the 2005 EGMP. Implementation shall include installation and monitoring of temporary monitors, permanent monitors, and building alarms, as applicable, pursuant to OAC Rule 3745-27-12(E).
4. Issuance of this approval does not constitute expressed or implied agreement that the monitoring of the Landfill performed and implemented in accordance with the approved 2005 EGMP and/or its terms and conditions will constitute compliance with applicable federal and state laws, rules, and regulations, nor does issuance of this plan approval assure that necessary operating permits or licenses will be granted.
5. The Landfill Owners/Operators shall install permanent monitors GP-1 and GP-2 not later than forty-five (45) days after the permanent monitor locations become accessible for installation, or after being notified in writing by Ohio EPA, NEDO that the locations are accessible for installation, whichever occurs first.
6. The Landfill Owners/Operators shall submit to Ohio EPA, NEDO a revised explosive gas monitoring plan not later than thirty (30) after the structures authorized by the March 18, 2005, Director's Final Findings and Orders and authorization become substantially complete for the purpose of installing structure alarms, or after being notified in writing by Ohio EPA, NEDO that the structures are substantially complete for the purpose of installing structure alarms, whichever occurs first. The Landfill Owners/Operators shall revise the explosive gas monitoring plan not later than thirty (30) days after notification of any deficiencies. In all circumstances, building alarms shall be installed prior to occupancy of any of the buildings

A. Bellis
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constructed pursuant to the March 18, 2005, Director's Final Findings and Orders and authorization.

7. Nothing in this letter shall be construed to authorize any waiver from the requirements of any applicable state solid waste laws or regulations. Furthermore, this approval shall not be interpreted to release McGill Property Group, Garfield Land Development, LLC, GHLFP, LLC, Peter J. Limited, Vista Way Partners, LLC, or others from responsibility under Ohio Revised Code (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 of Ohio EPA (Director) is final and may be appealed to the Environmental Review Appeals Commission (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. A copy of the appeal shall be served on the Director within three (3) days of filing with the Commission. An appeal may be filed with the Commission at the following address:

Environmental Review Appeals Commission
309 South Fourth Street
Room 222
Columbus, Ohio 43215

If you have any questions concerning this approval, please contact John Schmidt of Ohio EPA's NEDO at (330) 963-1175.

Sincerely,

Joseph P. Koncelik
Director

JPK/JMS/cl

cc: Eric Adams, DSIWM-NEDO
Scott Hester, DSIWM-CO
Matt Johnson, Cuyahoga County Board of Health
Chuck Statchwill, SCS Engineers
Tom Antonishak, McCabe Engineering