

OHIO E.P.A.

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**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

IN THE MATTER OF

Cardinal Operating Company
P.O. Box B
Brilliant, Ohio 43913

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Director's Final
Findings and Orders

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to Cardinal Operating Company pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("ORC") Section 3734.02(G) and Ohio Administrative Code ("OAC") Rule 3745-27-03(B).

II. PARTIES BOUND

These Orders shall apply to and be binding upon Cardinal Operating Company and successors in interest liable under Ohio law. No change in ownership of Cardinal Operating Company or of the Facility, as hereinafter defined, shall in any way alter Cardinal Operating Company's obligations under these Orders.

III. DEFINITIONS

Unless otherwise stated, all terms used in these Orders shall have the same meaning as defined in ORC Chapter 3734 and the rules promulgated thereunder.

IV. FINDINGS

The Director of Ohio EPA ("Director") has determined the following findings:

1. Cardinal Operating Company ("COC") is the owner and operator of the Cardinal FAR 1 Residual Solid Waste Landfill (CRWL) which is located in Brilliant, Ohio 43913. The applicant received a permit-to-install on May 11, 2007.

I certify this to be a true and accurate copy of the official documents as filed in the records of the Ohio Environmental Protection Agency.



Date 5.26.2011

2. Ohio Administrative Code (OAC) Rule 3745-30-14(G) requires an owner or operator to apply a twelve (12) inch thick layer of soil, consisting of well-compacted loam, silt loam, clay loam, silty clay loam, silty clay, or some combination thereof, to be used as intermediate cover to any area where waste will not be deposited for one hundred and eighty (180) days.
3. On January 6, 2011, COC requested an exemption from the provisions of OAC Rule 3745-30-14(G)(1), which requires the installation of intermediate cover to all filled areas of the residual solid waste landfill facility where additional waste is not to be deposited for at least 180 days. This request is based on a short term preliminary demonstration at CRWL and proposes to use six inches of residual waste compacted to 95% standard proctor density sealed with the dust suppressant EC-46 as a substitute for intermediate cover.
4. Pursuant to ORC Section 3734.02(G) and OAC Rule 3745-27-03(B), the Director, by order, may exempt any person generating, collecting, storing, treating, disposing of, or transporting solid wastes in such quantities or under such circumstances that, in the determination of the Director, are unlikely to adversely affect the public health or safety or the environment from any requirement to obtain a permit or license or comply with other requirements of ORC Chapter 3734 and any rules adopted thereunder.
5. Pursuant to ORC Section 3734.02(G), issuance of an exemption relieving COC from the requirement to apply intermediate cover at the CRWL pursuant to OAC Rule 3745-30-14(G)(1) in order to conduct the demonstration specified in the request, for a period of 180 days, is unlikely to adversely affect the public health or safety or the environment.

V. ORDERS

1. Pursuant to ORC Section 3734.02(G) and OAC Rule 3745-27-03(B), COC is hereby granted an exemption from the requirement in OAC Rule 3745-30-14(G)(1) to apply intermediate cover for a period of 180 days from the effective date of this order. The exemption granted herein for the CRWL applies solely to the property owners and is not transferable to future owners of the property.
2. COC shall provide Ohio EPA with a demonstration report at the end of the 180-day exemption period evaluating the effectiveness of the alternative to intermediate cover. The report shall contain, at a minimum, a discussion of the following items:
 - the number of days the compacted gypsum and the dust suppressant EC-46 were used and their effectiveness;

- weekly inspections of all areas where the compacted gypsum and EC-46 were applied, including the weather conditions and photographs of the area;
 - compaction testing results for the six inch thick layer of gypsum used as intermediate cover;
 - any detrimental effects to the waste mass, such as increased erosion, observed during the demonstration period;
 - all surface water sampling data for the CRWL treatment ponds.
3. COC shall strictly comply with the standards outlined within the exemption request received by Ohio EPA on January 6, 2011.
 4. These Orders shall not be construed to release COC from their responsibilities under ORC Chapter 3734 and OAC Chapter 3745-30 as an owner or operator of a property containing hazardous and/or solid waste, except as specified herein.

VI. OTHER CLAIMS

Nothing in these Orders shall constitute or be construed as a release from any claim, cause of action, or demand in law or equity against any person, firm, partnership, or corporation, not a party to these Orders, for any liability arising from, or related to, the property owners and/or related to the CRWL.

VII. OTHER APPLICABLE LAWS

All actions required to be taken pursuant to these Orders shall be undertaken in accordance with the requirements of all applicable local, state, and federal laws and regulations. These Orders do not waive or compromise the applicability and enforcement of any other statutes or regulations applicable to the property owners and/or the CRWL.

VIII. RESERVATION OF RIGHTS

Nothing contained herein shall be construed to prevent Ohio EPA from seeking legal or equitable relief to enforce the terms of these Orders or from taking other administrative, legal, or equitable action as deemed appropriate and necessary for noncompliance with these Orders. Nothing contained herein shall be construed to prevent Ohio EPA from exercising its lawful authority to require the property owners to perform additional

activities pursuant to ORC Chapter 3734 or any other applicable law in the future. Nothing herein shall restrict the right of the property owners to raise any administrative, legal, or equitable claim or defense with respect to such further actions that Ohio EPA may seek to require of the property owners. Nothing in these Orders shall be construed to limit the authority of Ohio EPA to seek relief for violations which may occur at the CRWL.

IT IS SO ORDERED:

Ohio Environmental Protection Agency



Scott J. Nally
Director