OHIO E.P.A.

DEC 22 2011

ENTERED DIRECTOR'S JOURNAL

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter Of:

Apex Environmental, LLC P.O. Box 157 Amsterdam, Ohio 43903	: : :	Director's Final Findings and Orders

Respondent

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.

By: [signature] Date: 12-22-11

PREAMBLE

It is agreed by the Parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to Apex Environmental, LLC ("Respondent") pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("ORC") Sections 3734.13 and 3745.01.

II. PARTIES BOUND

These Orders shall apply to and be binding upon Respondent and successors in interest liable under Ohio law. No change in ownership of the Respondent or of the Facility as hereinafter defined shall in any way alter Respondent'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 has determined the following findings:

1. Apex Sanitary Landfill ("Facility") is located at 11 County Road 78, Amsterdam, Jefferson County, Ohio.

2. Respondent is the "owner" and the "operator" of the Facility as those terms are defined in Ohio Administrative Code ("OAC") Rule 3745-27-01(O)(7) and (O)(5), respectively, and is the license holder of the Facility.

3. Respondent is a "person" as that term is defined in ORC Section 3734.01(G) and in OAC Rule 3745-27-01(P)(3).

4. The Facility is a "sanitary landfill facility" as that term is defined in OAC Rule 3745-27-01(S)(4) and is authorized to accept and dispose of "solid waste" as that term is defined in ORC Section 3734.01(E) and OAC Rule 3745-27-01(S)(23).

5. On December 31, 2009, the Director approved Permit-to-install Number 06-08438 ("PTI") for the Facility.

6. ORC Section 3734.11 states in part that, "(A) No person shall violate any section of this chapter, any rule adopted under it, or any order issued under section 3734.13 of the Revised Code. (B) No person who holds a permit or license issued under this chapter shall violate any terms and conditions of the permit or license."

7. OAC Rule 3745-27-19(B)(2) states that, "The owner or operator shall conduct all operations at the sanitary landfill facility in strict compliance with the applicable authorizing document, including (the) permit to install...."

Odors

8. Pages C8-4 through C8-10 of the PTI detail Respondent's Odor Management Plan (the "Plan") for operations at the Facility. The Plan contains four sections: odor monitoring practices, best management practices for active waste disposal operations, major odor control systems, and landfill gas control and collection system. Respondent is required to implement the Plan to monitor and control odors emanating from the Facility.

9. During inspections conducted on October 6, 2011, October 14, 2011, November 30, 2011, December 5, 2011 through December 11, 2011, and December 19, 2011, Ohio EPA detected odors emanating from the Facility. Ohio EPA documented these inspections in letters dated October 20, 2011, October 25, 2011, December 1, 2011, and December 21, 2011, respectively.

10. During inspections conducted on October 3, 2011, October 6, 2011, and October 21, 2011, Jefferson County General Health District ("JCGHD") detected odors emanating from the Facility. JCGHD documented these inspections in letters dated October 4, 2011, October 11, 2011, and October 25, 2011, respectively.

11. Respondent has failed to implement all appropriate odor monitoring practices, best management practices, and control systems in order to control odors emanating from the Facility on October 3, October 6, 2011, October 14, 2011, October 21, 2011, November 30, 2011, December 5, 2011 through December 11, 2011, and December 19, 2011. As a result, Respondent has not complied

with the PTI and is in violation of OAC Rule 3745-27-19(B)(2) and ORC Section 3734.11 (A) and (B).

12. In correspondence from Respondent to the JCGHD dated October 20, 2011, Respondent proposed to install 19 gas collection wells along the eastern and western sides of Phases 1, 2 and 3 of the Facility.

13. At the direction of Ohio EPA, Respondent has begun the installation of 23 additional landfill gas collection wells located along the eastern and western sides of the Facility, a horizontal collector along the eastern side of the Facility, and a horizontal collector installed on the top of the Facility within Phases 2 and 4 that consists of a perforated pipe passing through seven-column wells in order to control odors.

Leachate Management

14. OAC Rule 3745-27-19(K)(1) states, "Leachate management. (1) If a leachate outbreak occurs at the sanitary landfill facility, the owner or operator shall repair all outbreaks and do the following: (a) Contain and properly manage the leachate at the sanitary landfill facility. (b) If necessary, collect and dispose of the leachate in accordance with paragraphs (K)(5) and (K)(6) of this rule. (c) Take action to minimize, control, or eliminate the conditions which contribute to the production of leachate."

15. During an inspection conducted on October 6, 2011, Ohio EPA observed leachate breaching the Phase 4 area and pooling within the Phase 5 unlined area of the Facility, in violation of OAC Rule 3745-27-19(K)(1). Ohio EPA documented this inspection in a letter dated October 20, 2011.

16. By letter dated October 11, 2011, the JCGHD documented the violation of OAC Rule 3745-27-19(K)(1) that was observed during the Facility inspection dated October 6, 2011.

17. By letter dated October 20, 2011, Respondent indicated to the JCGHD that it has abated the violation of OAC Rule 3745-27-19(K)(1).

Engineered Components

18. OAC Rule 3745-27-19(E)(1)(c) states, "The owner or operator shall maintain the integrity of the engineered components of the sanitary landfill facility and repair any damage to or failure of the components. 'Engineered components' include the components described in rule 3745-27-08 of the Administrative Code and components of the monitoring system installed in accordance with rule 3745-27-10 of the Administrative Code. Failed or damaged engineered components shall be investigated and reconstructed in strict compliance with the existing applicable

authorizing documents. If a redesign is necessary, prior approval of an alteration or a modification shall be obtained."

19. During an inspection conducted on October 6, 2011, Ohio EPA observed a failure of a rain flap meant to contain leachate in the Phase 4 area prior to the completion of the construction of Phase 5, in violation of OAC Rule 3745-27-19(E)(1)(c). Ohio EPA documented this inspection in a letter dated October 20, 2011.

20. By letter dated October 20, 2001, Respondent indicated to the JCGHD that it has repaired the rain flap; thus, abating the violation of OAC Rule 3745-27-19(E)(1)(c).

V. ORDERS

Respondent shall achieve compliance with ORC Chapter 3734 and the rules promulgated thereunder according to the following compliance schedule:

1. As soon as possible but no later than January 15, 2012, Respondent shall provide to Ohio EPA sample results representative of the leachate taken from sumps located nearest to the leachate release that was discharged into the unlined area of Phase 5, referenced in Finding 15 of Section IV of these Orders, including a complete list of appendix I parameters as specified in OAC Rule 3745-27-10.

2. By no later than December 31, 2011, Respondent shall complete installation and commence operation of the 23 landfill gas collection wells, referenced in Finding 13 of Section IV of these Orders, which are located along the eastern and western sides of the Facility, a horizontal collector along the eastern side of the Facility, and a horizontal collector installed on the top of the Facility that consists of a perforated pipe passing through seven-column wells in order to control odors; all of the foregoing are described in Exhibit A, which is attached hereto and incorporated herein. The installation of the wells and horizontal collectors shall be in compliance with all applicable laws and authorizations.

3. By no later than March 1, 2012, Respondent shall complete installation and commence operation of the additional gas collection measures as depicted in Exhibit B, which is attached hereto and incorporated herein.

4. By February 1 and August 1 of each year following the effective date of these Orders, Respondent shall submit to Ohio EPA for review and concurrence a proposed plan for the expansion of the Facility landfill gas collection and control system designed to maximize the control of odors and the capture of landfill gas at the Facility. No later than 90 days after receipt of Ohio EPA's written concurrence with a proposed plan, Respondent shall complete installation and commence operation of the expanded landfill gas collection system components.

5. Respondent shall implement the following measures at the Facility as necessary in order to control the release of odors from the Facility:

   A. Operate the landfill gas collection and control system including vertical wells and horizontal gas collectors;
   B. Perform landfill gas collection from leachate cleanout pipes and leachate sump side slope riser pipes;
   C. Enhance landfill gas collection from the leachate collection zone on the landfill side slopes;
   D. Implement monthly surface emissions monitoring to evaluate the effectiveness of the landfill gas collection and control system except as prohibited by dangerous conditions ; and
   E. Install flexible membrane liner rain flaps at the temporary phase separation berm of the liner system.

6. By no later than March 31, 2012, Respondent shall submit to Ohio EPA a report that analyzes correlations between waste types received by Respondent for disposal at the Facility, including sewage waste, long haul waste and other odorous wastes; waste acceptance methods utilized by Respondent for such wastes; and the following information: Respondent's odor control logs, odor complaint database, and all daily operating logs since January 1, 2010. The report shall also analyze all of the above information in relation to operations at the Facility including the daily hours of operation and the total amount of wastes received for disposal at the Facility, including the authorized maximum daily waste receipts ("AMDWR"). The report shall include proposed revisions to the Facility operations, such as potential changes to the daily hours of operation and reductions in the total amount of wastes received for disposal at the Facility including the AMDWR, and include revisions to Respondent's waste acceptance procedures in order to control the release of odors. Upon the receipt of written notice from Ohio EPA, Respondent shall provide additional information as requested by Ohio EPA. Additionally, Respondent shall implement revisions to Facility operations and Respondent's waste acceptance procedures in light of the information outlined in the report and as directed by Ohio EPA. If Ohio EPA requires changes to Facility operations or waste acceptance procedures, it will require those changes in the form of a final action. After the effective date of these Orders, Respondent shall limit the total amount of wastes received for disposal at the Facility, including solid wastes, construction and demolition debris, and other types of wastes, to 6,500 tons per day unless either of the following occurs:

   A. Ohio EPA informs Respondent in writing that Respondent may discontinue the limitation on the total amount of wastes received for disposal at the Facility because odors associated with the Facility have been abated for an extended period of time; or
   B. Ohio EPA issues a final action consistent with this Order regarding Facility

operations or Respondent's waste acceptance procedures that has been agreed to by Respondent, or Respondent is legally required to implement and comply with the final action.

7. Ohio EPA may extend any of the time frames set forth in this Section by providing written notice to Respondent of the extended time frame. If any time frame is extended by Ohio EPA, Respondent shall complete the required work in accordance with the extended time frame unless otherwise provided by Ohio EPA in writing.

8. Within thirty (30) days after the effective date of these Orders, the Respondent shall pay the amount of $ $35,923.00 in settlement of Ohio EPA's claim for civil penalties, which may be assessed pursuant to ORC Chapter 3734 and which will be deposited into the Environmental Remediation Fund established pursuant to ORC Section 3734.281. Payment to Ohio EPA shall be made by an official check made payable to "Treasurer, State of Ohio" for $ $35,923.00. The official check shall be submitted to Ohio EPA, Office of Fiscal Administration, P.O. Box 1049, Columbus, Ohio 43216-1049, together with a letter identifying the Respondent and the Facility. A copy of the check to shall be sent to Ohio EPA, Division of Materials and Waste Management, Supervisor, Systems Management Unit, P.O. Box 1049, Columbus, Ohio 43216-1049.

VI. TERMINATION

Respondent's obligations under these Orders shall terminate when Respondent certifies in writing and demonstrates to the satisfaction of Ohio EPA that Respondent has performed all obligations under these Orders and the Chief of Ohio EPA's Division of Materials and Waste Management acknowledges, in writing, the termination of these Orders. If Ohio EPA does not agree that all obligations have been performed, then Ohio EPA will notify Respondent of the obligations that have not been performed, in which case Respondent shall have an opportunity to address any such deficiencies and seek termination as described above.

The certification shall contain the following attestation: "Apex Environmental, LLC certifies that the information contained in or accompanying this certification is true, accurate and complete."

This certification shall be submitted by the Respondent to Ohio EPA and shall be signed by a responsible official of Respondent.

VII. 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 operation of Respondent's Facility.

VIII. 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 Respondent.

IX. MODIFICATIONS

These Orders may be modified by agreement of the parties hereto. Modifications shall be in writing and shall be effective on the date entered in the journal of the Director of Ohio EPA.

X. NOTICE

All documents required to be submitted by Respondent pursuant to these Orders shall be addressed to:

Ohio Environmental Protection Agency
Southeast District Office
Division of Materials and Waste Management
2195 Front Street
Logan, Ohio 43138

or to such persons and addresses as may hereafter be otherwise specified in writing by Ohio EPA.

XI. RESERVATION OF RIGHTS

Ohio EPA and Respondent each reserve all rights, privileges and causes of action, except as specifically waived in Section XII of these Orders. Ohio EPA expressly reserves all rights, privileges and causes of action with regard to any future violations of OAC Rule 3745-27-19(B)(3) and (5) which may occur after the effective date of these Orders.

XII. WAIVER

In order to resolve disputed claims, without admission of fact, violation or liability, and in lieu of further enforcement action by Ohio EPA for only the violations specifically cited in these Orders, Respondent consents to the issuance of these Orders and agrees to comply with these Orders. Compliance with these Orders shall be a full accord and satisfaction for Respondent's liability for the violations specifically cited herein. Respondent hereby waives the right to appeal the issuance, terms and conditions, and service of these Orders and Respondent hereby waives any and all rights Respondent may have to seek administrative or judicial review of these Orders either in law or equity.

Notwithstanding the preceding, Ohio EPA and Respondent agree that if these Orders are appealed by any other party to the Environmental Review Appeals Commission, or any court, Respondent retains the right to intervene and participate in such appeal. In such an event, Respondent shall continue to comply with these Orders notwithstanding such appeal and intervention unless these Orders are stayed, vacated or modified.

XIII. EFFECTIVE DATE

The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

XIV. SIGNATORY AUTHORITY

Each undersigned representative of a party to these Orders certifies that he or she is fully authorized to enter into these Orders and to legally bind such party to these Orders.

IT IS SO ORDERED AND AGREED:

Ohio Environmental Protection Agency

Scott J. Nally
Director

IT IS SO AGREED:

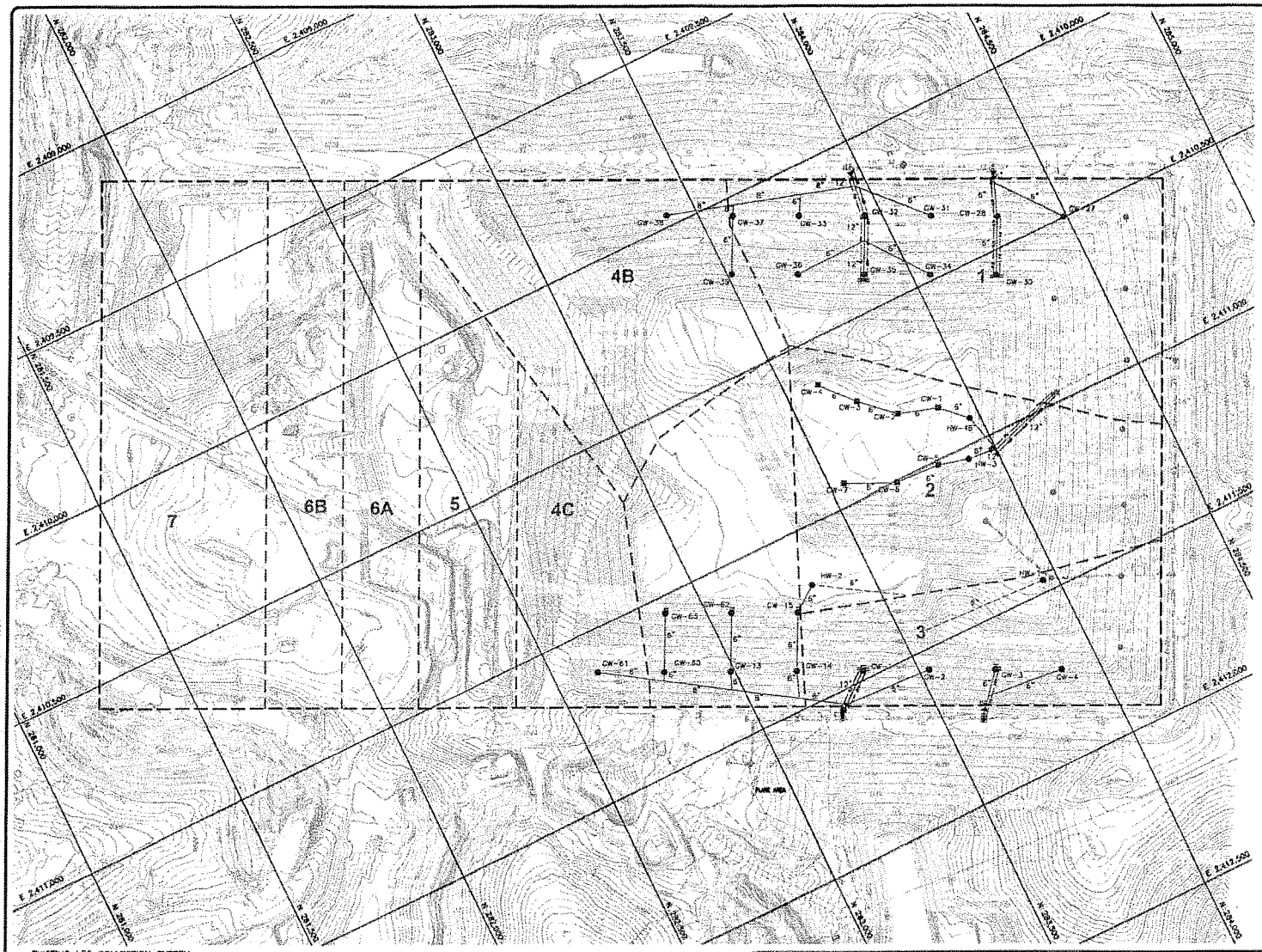
Apex Environmental, LLC

Signature

12/22/11
Date

Anthony Rizzo
Printed or Typed Name

Chief Operating Officer
Title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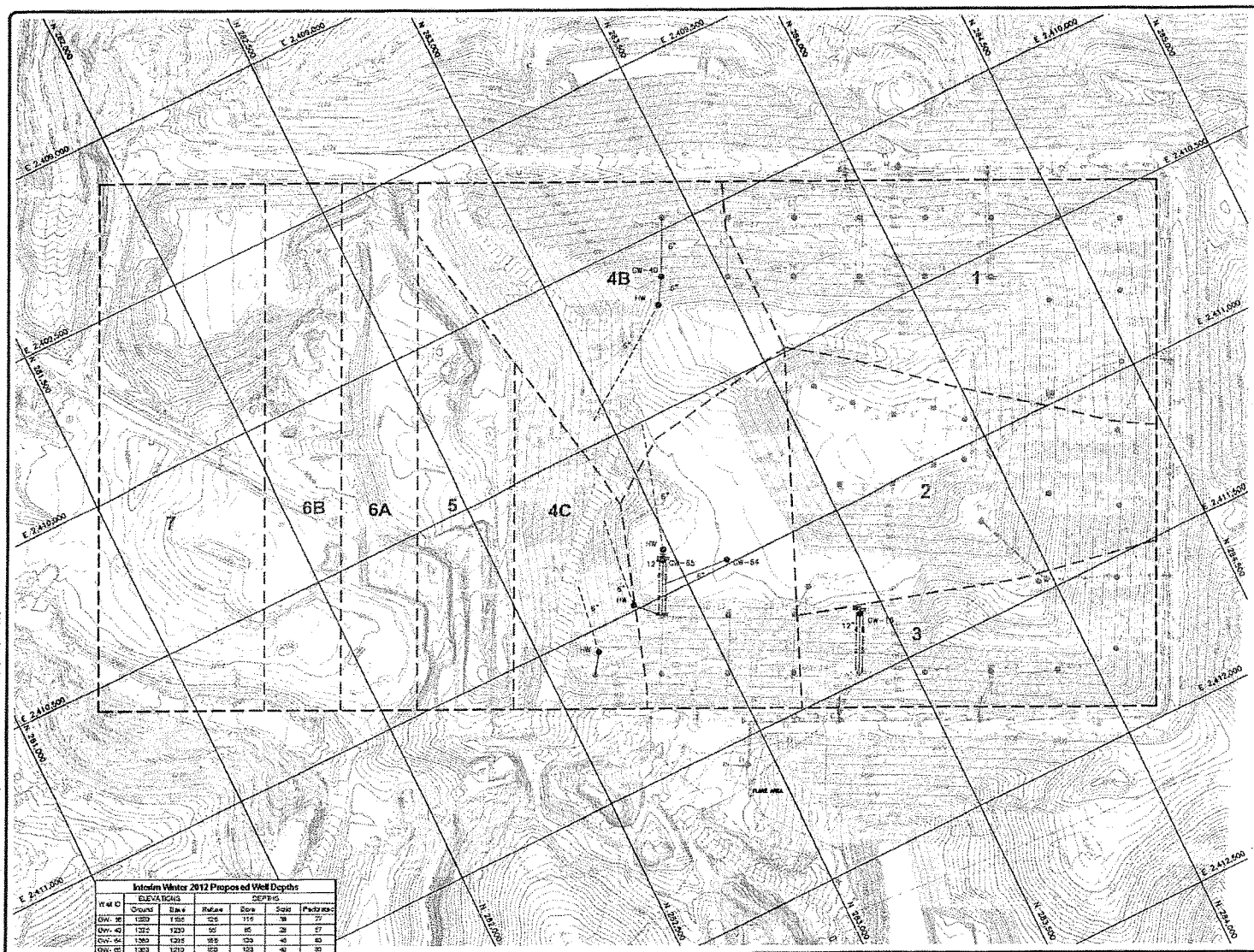

LEGEND

- PROPERTY BOUNDARY
- PERMITTED SOLID WASTE BOUNDARY
- PHASE BOUNDARY
- 25' CONTOUR
- 5' CONTOUR
- ELECTRICAL LINE
- 12" LANDFILL GAS HEADER
- FORCEMAIN
- AIRLINE
- LFG EXTRACTION WELL
- CONTROL VALVE
- AIR/FORCEMAIN ISOLATION VALVE
- BLIND FLANGE
- REDUCER FITTING
- HEADER ACCESS RISER
- CONDENSATE PUMP STATION
- ANTI-SEEP COLLAR
- ROAD CROSSING
- HP HEADER HIGH POINT
- GCCS - EXISTING
- GCCS - PROPOSED - PERMANENT

NOTES:

1. THE 2011 TOPOGRAPHIC MAP WAS PROVIDED BY KEDDAL AERIAL MAPPING, DATE OF PHOTO: 1/5/2011. CONTOURS FOR PHASES 1, 2, 3, 4, & 5A PROVIDED BY BAIR, GOODIE AND ASSOCIATES, INC. 9/30/11 QUARTERLY SURVEY.
2. FUTURE FILL GRADES SHOWN REPRESENT PROJECTED LANDFILL ELEVATIONS FOR FULL BUILD OUT OF THIS PHASE AND WERE DEVELOPED BY BAIR, GOODIE AND ASSOCIATES, INC.
3. GAS SYSTEM AS-BUILT INFORMATION PROVIDED BY BAIR, GOODIE AND ASSOCIATES, INC. RECORD DRAWING DATED 12/29/10 AND 11/30/11.
4. LOCATION OF PROPOSED LANDFILL GAS COLLECTION AND CONTROL SYSTEM COMPONENTS IS APPROXIMATE AND MAY VARY TO MEET FIELD CONDITIONS AT THE TIME OF CONSTRUCTION. ALL HORIZONTAL AND VERTICAL DATUM TO BE VERIFIED PRIOR TO CONSTRUCTION.

EXHIBIT B

Interim Winter 2012 Proposed Well Depths

Well ID	ELEVATIONS Ground	ELEVATIONS Base	DEPTHS Refuse	DEPTHS Bore	DEPTHS Solid	DEPTHS Packaged
GW-38	1280	1195	125	115	38	77
GW-40	1302	1230	55	85	28	57
GW-54	1280	1215	155	120	40	80
GW-55	1303	1210	150	123	40	80
			TOTAL	440	146	294

Notes:
1. 120' max. drill depth.
2. Approximately 1/3 of total well depth will be solid casing (15' min. solid well casing).
3. Assumes all perm are available (i.e., no liquids in the wells).

0 150 300
SCALE IN FEET

REV	DATE	DESCRIPTION	DWN BY	DES BY	CHK BY	APP BY

DATE OF ISSUE 12/13/11 DRAWN BY PDL DESIGNED BY PDL CHECKED BY BOS APPROVED BY PDL

CORNERSTONE Environmental Group, LLC

ENVIRONMENTAL LOGISTICS SERVICES
APEX SANITARY LANDFILL
JEFFERSON COUNTY, OHIO

GCCS PHASING PLANS
WINTER 2012 PROPOSED CONSTRUCTION

SHEET NO. 1
PROJECT NO. 100118