OHIO E.P.A.

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ENTERED DIRECTOR'S JOURNAL

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter Of:

Republic Services of Ohio II, LLC
dba Countywide Recycling and
Disposal Facility
110 S.E. 6th Street
Ft. Lauderdale, FL 33301

Respondent

Director's Final Findings
and Orders

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: _____ **Date:** 3-28-07

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to Republic Services of Ohio II, LLC, dba Countywide Recycling and Disposal Facility ("Respondent") pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("ORC") Sections 3704.03, 3734.05(A)(5), 3734.13 and 3745.01.

II. PARTIES BOUND

These Orders shall apply to and be binding upon Respondent and its successors in interest liable under Ohio law. No change in ownership of 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 Chapters 3704 and 3734 and the rules promulgated thereunder.

IV. FINDINGS

The Director of Ohio EPA has determined the following findings:

General Findings

1. Countywide Recycling and Disposal Facility ("Facility") is located at 3619 Gracemont Street SE, East Sparta, Stark 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 also the license holder for the Facility.

3. The Facility is a "sanitary landfill facility" as that term is defined under OAC Rule 3745-27-01(S)(4) and is authorized to accept "solid waste" as that term is defined under ORC Section 3734.01(E) and OAC Rule 3745-27-01(S)(24). On June 2, 2003, the Director issued to Respondent an expansion permit to install # 02-14796.

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

5. The Facility is a "municipal solid waste landfill" or "MSW landfill" as defined in 40 CFR 60.751. The Facility is an "air contaminant source" as defined in OAC Rules 3745-31-01(I) and 3745-15-01(C) and (W). The Facility is subject to the requirements of permit to install modification #15-01391 issued by the Director to Respondent on May 10, 2005, and a Title V operating permit issued by the Director to Respondent on August 30, 2004. Respondent is the permittee, under, and permit holder of, those permits.

Respondent's Disposal and Management of Aluminum Waste

6. Respondent disposed of aluminum production waste at the Facility from approximately 1993 to 2006. The aluminum waste Respondent disposed at the Facility reacts with water-based liquids to form ammonia, hydrogen and other by-products.

7. In a May 4, 1993 memorandum to file, the General Manager of the Facility, Greg Terwilliger, established special waste handling and management practices that required surface water to be directed away from areas where the aluminum waste was to be disposed. In addition, the waste was to be placed adjacent to the active working face and on top of soil, and was to be covered at the end of each working day in an attempt to "encapsulate" the waste.

8. Respondent represented that approximately 1 million tons of aluminum waste was disposed in the 88.2 acre area at the Facility. Respondent placed the waste throughout this area of the Facility and especially in cells 1, 3, 4A, 4B, and 6A. Aluminum waste was also placed in cell 7 of the Facility.

9. On January 19, 1998, Respondent submitted an alteration request for authority to recirculate leachate at the Facility. In the request for an alteration, Respondent indicated that it had been "successfully operating the existing leachate recirculation system since April 1996 and no potential problems have been cited. The proposed system includes appropriate controls to not pose any threat to the environment." Respondent also indicated that the leachate recirculation system had been

designed "such that some or all of the distribution may be turned off at any time."

10. Ohio EPA approved the alteration request for leachate recirculation on March 3, 1998 and reiterated that "Condition 11c of PTI No. 02-6645, approved March 30, 1995, requires daily inspections of the landfill."

11. On July 27, 2001, Respondent submitted to the Canton City Health Department a letter requesting a higher operating temperature value for landfill gas wells located in cells 3 and 4 of the Facility. Respondent indicated that corrective actions had been taken to try to lower elevated temperature readings and stated that the "higher temperature is not demonstrating any signs of negative impact on the integrity of the landfill such as potentially causing a fire or significantly inhibiting anaerobic decomposition."

12. On July 29, 2002, Respondent submitted to the Canton City Health Department a letter requesting a higher operating temperature for landfill gas wells located in cells 2 and 4A of the Facility. Respondent indicated that well "number 60 consistently exhibits higher oxygen and temperature due to crystallization. This area of the landfill received Barmet Waste [aluminum production waste], which is high in ammonia. Placed waste (Salt cake - Ammonium Sulfate) in the vicinity of these wells forms crystals around wellheads.... The crystals react with landfill gas inside the well causing an increase in oxygen concentration. Closing the valve increases the methane concentration and reduces the oxygen concentration; however, these wells temporarily exhibit positive pressure and higher temperature. Additional corrective actions were taken to adjust for positive pressure and all wells with initial positive pressure reading exhibited negative pressure during the subsequent re-monitoring event. However, applying corrective action for oxygen often results in an exceedance of the temperature standard and vice versa."

13. On October 21, 2002, Respondent submitted to the Canton City Health Department a letter requesting an alternative compliance schedule as a result of elevated temperature readings in well number 63 at the Facility.

14. On April 10, 2003, Respondent submitted to the Canton City Health Department a letter requesting a higher operating temperature value for landfill gas well number 63 located in cell 6A of the Facility. This letter was a follow up to the October 21, 2002, letter and indicated that Barmet Waste had been disposed in the area of the affected well. Respondent indicated that "[i]t is believed that the type of in-situ waste around Well 63 is causing higher well temperature. Increased corrective actions (reducing the flow, frequent tuning of the well, etc.) did not appear to have any consistent positive impact."

15. In 2004, the Canton City Health Department received approximately 30 citizen odor complaints, many of which were attributed to the Facility. Respondent began the expansion of landfill gas collection and control systems in the western part of the Facility in November 2004 to assist in eliminating potential odor problems. In

December of 2004, the Stark County Health Department issued Respondent its annual operating license with the condition that Respondent identify and install a fully operational odor suppression system by May 1, 2005.

16. In 2005, Respondent recirculated approximately 5.8 million gallons of leachate in areas of the Facility where Respondent had disposed of aluminum waste.

17. In the fall of 2004 and early 2005, Respondent completed a portion of the gas collection wells in the western part of the Facility, completed a new cell with lower elevations at the Facility, and started operation of the odor suppression system. From June 2005 to the middle of December 2005, only four odor complaints were received by the Canton City Health Department.

18. From January through August of 2006, the Canton City Health Department received over 660 odor complaints against Respondent's Facility. Respondent also experienced gas collection wells with temperatures in excess of 131° F in the area of aluminum waste disposal at the Facility.

19. On August 31, 2006, Cornerstone Environmental Group, LLC, a consultant retained by Respondent to investigate the odor issues surrounding the Facility, submitted a report to Respondent entitled, "Gas System Operating Review at the Countywide Landfill" ("the Report"). The Report theorized that "[i]t is possible that the combination of liquids [such as from leachate recirculation] in the landfill and air, combined with the aluminum waste created an exothermic reaction in certain portions of the landfill...that is producing heat, hydrogen and additional water. This may explain the presence of LFG [landfill gas] at higher than expected temperatures. This theory finds additional support in the fact that LFG data shows a higher than expected concentration of hydrogen gas. Hydrogen gas is rarely seen in LFG in any substantial concentrations and its presence could be due to the aluminum waste reaction described above."

20. The Report also theorized that "[w]ater and higher than expected temperatures resulting from the exothermic reaction potentially involving the aluminum waste may have resulted in conditions that accelerated the rate of decomposition of municipal solid waste ("MSW") which was co-disposed with the aluminum waste." The decomposition of the landfill waste resulting from this process is producing the odors emanating from the Facility.

21. The Report further indicates that the exothermic reaction involving aluminum waste and solid waste "may also have resulted in the underground oxidation of the MSW in the landfill. The presence of carbon monoxide (CO) in the LFG is an indicator that oxidation [fire] may be occurring. CO gas is commonly thought to be a byproduct of incomplete combustion and therefore, the possibility of a fire has been considered." The Report, however, stated that no fire probably had occurred to date

"since no smoke, charred residue, or flames have been observed (even when the waste is excavated and exposed to air) and wellheads have not melted...."

22. The Report recommended that Respondent increase gas collection and flaring to further reduce odors at the Facility.

23. Beginning in January 2006, Respondent discontinued leachate recirculation and expanded its existing landfill gas collection system as described in Section IV, Paragraph 21, of the Director's Final Findings and Orders issued on September 6, 2006.

September 6, 2006 Director's Final Findings and Orders

24. Ohio EPA issued Director's Final Findings and Orders to Respondent on September 6, 2006 ("September 2006 Orders"). The September 2006 Orders resolved verified complaints related to odors emanating from the Facility which were submitted by Mr. William Huth on September 27, 2004, by the Tuscarawas County Board of Commissioners - Kerry Metzger, Chris Abbuhl and Jim Seldenright on August 14, 2006, by the Village Council of the Village of Bolivar on September 1, 2006, and by the Lawrence Township Trustees on September 6, 2006.

25. In the September 2006 Orders, the Director of Ohio EPA determined that Respondent had violated OAC Rule 3745-15-07, the terms and conditions of PTI 15-01391 and Respondent's Title V permit, and ORC Sections 3704.05(C) and (G) by causing an air pollution nuisance as alleged in the verified complaints described in Finding 24 of these Orders.

26. The September 2006 Orders required Respondent to complete certain actions to control the offensive odors coming from the Facility by no later than December 15, 2006.

27. The September 2006 Orders required Respondent to perform several measures to control nuisance odors and potential landfill gas emissions coming from the Facility, including operating and maintaining the Facility's enhanced gas collection system.

28. The September 2006 Orders further required Respondent to develop and implement an Odor Sampling and Analysis Workplan to: characterize the chemical composition of the odors and determine the source of odors coming from the Facility; determine the impact of releases beyond the Facility boundary including risks presented to public health, safety and the environment; and characterize the chemical composition of the leachate at the Facility.

29. On October 18, 2006, Respondent requested a modification of the requirements of Order 7 of the September 2006 Orders. Ohio EPA agreed to the alternative measures proposed by Respondent, including the construction of (1) a toe buttress

in the south slope toe area, (2) additional gas collection and control systems, (3) a temporary flexible membrane liner ("FML") cap in the affected area, and (4) a gas collection and control system to remove and control the landfill gas collected under the cap.

30. On December 29, 2006, in a letter from Ohio EPA Northeast District Office Chief William Skowronski, Ohio EPA summarized the actions that Respondent reported it had taken to address proposed revised Order 7, requested that Respondent maintain these measures, required Ohio EPA's approval prior to making alterations to these measures, and additionally requested that Respondent submit and implement a preventive maintenance and malfunction abatement plan for all landfill flares and other control measures.

31. On December 29, 2006, then Director of Ohio EPA, Joseph P. Koncelik, sent a letter to Mr. William Franks, Health Commissioner, Stark County, indicating that it was premature for Ohio EPA to conclude whether the Facility had abated the nuisance to bring the Facility into compliance with the air pollution nuisance prohibition in OAC Rule 3745-15-07. In the letter, Director Koncelik asked for additional time to evaluate the remedial system installed pursuant to the September 2006 Orders. Respondent has represented that it has complied with the September 2006 Orders and implemented all required actions by the December 15th deadline.

32. Since September 2006, offensive odors coming from the Facility unique to the landfill fire (as described herein) and reaction of the aluminum production waste have persisted. Between December 16, 2006 and February 19, 2007, Ohio EPA or the Canton City Health Department has received over 150 odor complaints regarding the landfill. Ohio EPA or Canton received complaints on 44 of the 59 days between December 15, 2007 and February 12, 2007. Ohio EPA personnel conducted odor surveys around the Facility on 42 occasions from December 16, 2006 through February 18, 2007. Personnel from the Canton City Health Department's Division of Air Pollution Control visited the Facility on 25 days between December 16, 2006 and February 12, 2007. Ohio EPA and Canton personnel noted the unique offensive odor on the combined majority of the days they were at the site, at a level that, for example, would likely cause a person sitting outside to enter a house or building to avoid the odor, or at a stronger level. The number and frequency of odor complaints and the intensity of odor generated have decreased in the weeks since mid-January, 2007, but the unique odors persist.

33. Respondent continues to detect landfill gas temperatures at the Facility exceeding 131° F. Landfill gas temperatures have been detected over 240° F in the landfill gas extraction system.

34. Aerial infrared photographs of the Facility obtained by Ohio EPA, which were taken in August and December 2006, indicate that areas of the Facility experiencing greater than normal temperatures may be increasing. On February 1, 2007, Ohio

EPA, along with Mr. Todd Thalhamer of the Integrated Waste Management Board CAL-EPA, requested that the Ohio State Highway Patrol (OSHP) observe the Facility from the air using the OSHP's infrared technology. While no major infrared anomalies were revealed by this infrared survey, two small anomalous areas on the northwest corner of the Facility (cell 5C) were observed.

35. Respondent continues to experience rapid differential settlement at the Facility. Slopes at the Facility located in areas where elevated well temperatures have occurred have subsided approximately 40 feet since December of 2005.

36. According to Todd Thalhamer and the Report prepared by Respondent's consultants, the presence of carbon monoxide levels in excess of 1000 ppmv in landfill gas indicates that a landfill fire may be occurring.

37. Recent sampling indicates that Respondent continues to detect carbon monoxide levels in excess of 1000 ppmv in landfill gas collected from the Facility. Carbon monoxide levels have been detected as high as 8067 ppmv in the landfill gas extraction system.

38. The presence of an aluminum waste reaction producing elevated landfill gas temperatures, offensive odors, greater than average subsidence, and levels of carbon monoxide exceeding 1000 ppmv in landfill gas wells indicate that a "fire" as regulated under OAC Chapter 3745-27 is occurring at the Facility.

39. On February 16, 2007, Ohio EPA received a written opinion from Todd Thalhamer indicating, that in his expert opinion, there are two fires occurring at the Facility: 1) a metal fire involving an aluminum waste reaction, and 2) a smoldering fire involving municipal solid waste that was co-disposed with the aluminum waste.

40. Although a smoldering fire has the potential to erupt into a large, self-sustaining landfill fire, Mr. Thalhamer opined that recent data indicate that carbon monoxide levels appear to have leveled off.

41. Respondent has admitted that there is a reaction involving aluminum waste occurring at the Facility, but has denied that there is a fire occurring at the Facility.

Solid Waste Violations

42. OAC Rule 3745-27-19(E)(3)(a) provides that the "owner or operator shall have adequate equipment, material, and services available at or near the facility to control fire. The owner or operator shall act immediately to control or extinguish fire." "Fire" for purposes of these Orders includes both the combustion of solid waste producing smoke, charred residue or flames, or the rapid thermal decomposition of solid waste producing carbon monoxide in excess of 1000 ppmv. Landfill fires typically produce offensive odors and/or greater than normal

subsidence at a landfill as a result of the burning or rapid thermal decomposition of solid waste.

43. A chemical reaction involving large amounts of aluminum waste and producing elevated temperatures has been and still is occurring at the Facility. In addition, a fire involving the rapid thermal decomposition of solid waste producing carbon monoxide in excess of 1000 ppmv, or "fire" as referred to in OAC Rule 3745-27-19(E)(3)(a), has been and still is occurring at the Facility and Respondent has failed to act immediately to control or extinguish the fire in violation of OAC Rule 3745-27-19(E)(3)(a).

44. OAC Rule 3745-27-19(B)(3) provides that the "owner or operator shall operate the facility in such a manner that noise, dust, and odors are strictly controlled so as not to cause a nuisance or a health hazard."

45. OAC Rule 3745-27-19(B)(5) provides that the "owner or operator shall operate the facility in such a manner that operation does not create a nuisance or a health hazard, does not cause water pollution pursuant to chapter 6111. of the Revised Code, and does not violate any regulation adopted by the director pursuant to chapter 3704. of the Revised Code."

46. OAC Rule 3745-27-01(N)(6) defines "nuisance" for purposes of OAC Chapter 3745-27 as "anything which is injurious to human health or offensive to the senses; interferes with the comfortable enjoyment of life or property; and affects a community, neighborhood, or any considerable number of persons (although the extent of annoyance or damage inflicted upon individual persons may be unequal)."

47. Respondent has failed to operate the Facility in such a manner that odors were strictly controlled so as not to cause a nuisance or a health hazard, and Respondent has failed to operate the Facility in such a manner that operation does not create a nuisance or health hazard and does not violate a regulation adopted by the director under ORC Chapter 3704 in violation of OAC Rules 3745-27-19(B)(3) and (5).

Air Violations

48. ORC 3704.05(C) prohibits any person from violating any terms or conditions of any permit issued by the Director.

49. The Title V operating permit issued to Respondent identifies as applicable rules and requirements, among others, the requirements of OAC Rule 3745-17-07(B) and 3745-17-08(B), and 40 CFR Part 60, Subpart WWW, Standards of Performance for Municipal Solid Waste Landfills.

50. Respondent uses a gas collection and control system to comply with the requirements of 40 CFR 60.752(b)(2)(ii). Pursuant to 40 CFR 60.753(c) and Part III, A.II.6. of the Title V operating permit, Respondent is required to operate each interior wellhead in the collection system with a landfill gas temperature less than 55° C (131° F). 40 CFR 60.752(c) and the Title V operating permit also provide that Respondent may establish a higher operating temperature at a particular well if it can demonstrate that the elevated temperature does not cause fires or significantly inhibit anaerobic decomposition by killing methanogens. Respondent has not made the necessary demonstration.

51. Respondent is required to monitor the temperature in each interior well monthly for temperature. Pursuant to 40 CFR 60.755(a)(5), if a well exceeds the temperature parameter, Respondent must initiate action to correct the exceedance within 5 calendar days. If correction of the exceedance cannot be achieved within 15 calendar days after the first measurement, the gas collection system shall be expanded to correct the exceedance within 120 days after the initial exceedance. Any attempted corrective measure shall not cause an exceedance of other operational or performance standards. Pursuant to 40 CFR 60.753, if corrective actions are taken as specified in 40 CFR 60.755, the temperature exceedance is not a violation of the operational requirements in 40 CFR 60.753.

52. As of at least January 1, 2007, Respondent is in violation of 40 CFR 60.753(c) and Part III, A.II.6. of the Title V operating permit. The temperature in ten or more interior wells has exceeded 55° C (131° F) for 120 days or more, and Respondent has taken actions, but has not corrected the exceedances in the 120 days.

53. ORC 3704.05(G) prohibits any person from violating any order, rule or determination of the Director issued, adopted, or made under ORC Chapter 3704. OAC Rule 3745-15-07 was adopted by the Director of Ohio EPA under ORC Chapter 3704.

54. OAC Rule 3745-15-07(A) finds and declares as a public nuisance the emission or escape into the open air from any source or sources whatsoever, of smoke, ashes, dust, dirt, grime, acids, fumes, gases, vapors, odors, or any other substances or combinations of substances, in such manner or in such amounts as to endanger the health, safety, or welfare of the public, or cause unreasonable injury or damage to property. The rule further provides that it is unlawful for any person to cause, permit or maintain any such public nuisance.

55. OAC Rule 3745-15-07(B) provides that a source of odors not subject to regulation under OAC Chapter 3745-17, 3745-18, 3745-21 or 3745-31 shall not be subject to OAC Rule 3745-15-07. The Facility is subject to regulation under OAC Chapters 3745-17 and 3745-31 and, as a result, OAC Rule 3745-15-07.

56. Both the permit to install and the Title V operating permit issued to Respondent prohibit Respondent from causing a public nuisance and violating OAC Rule 3745-15-07.

57. In violation of OAC Rule 3745-15-07(A), Respondent has permitted or maintained a public nuisance as Respondent has caused or allowed the emission or escape into the open air from the Countywide landfill fumes, gases, vapors, odors or other substances or combination of substances in such manner or in such amounts as to endanger the health, safety or welfare of the public or cause unreasonable injury or damage to property.

58. The Director has given consideration to, and based his determination on, evidence relating to the technical feasibility and economic reasonableness of complying with these Orders and to evidence relating to conditions calculated to result from compliance with these Orders, and its relation to the benefits to the people of the State to be derived from such compliance in accomplishing the purposes of ORC Chapter 3704.

V. ORDERS

These Director's Final Findings and Orders supersede the Director's Final Findings and Orders issued on September 6, 2006. Respondent shall achieve compliance with permits and ORC Chapters 3704. and 3734. and the rules promulgated thereunder according to the following compliance schedule:

1. Prohibition on Leachate Recirculation and Disposal. Upon the effective date of these Orders, Respondent shall cease all leachate recirculation in and vertically above cells 1, 2, 3, 4A, 4B, 5A, 5B, 5C, 5D, 6A, and 7, and shall not dispose of any solid waste or other wastes in or vertically above the 88.2-acre portion of the Facility consisting of cells 1, 2, 3, 4A, 4B, 5A, 5B, 5C, 5D, and 6A except as authorized by Ohio EPA in writing in order to bring such areas up to grade for closure.

2. Updated Engineering Detail Plans, Specifications and Information. In light of the prohibitions specified in Section V, Paragraph 1, of these Orders, Respondent shall:

   A. Comply with the conceptual plan drawings, attached to these Orders as Attachment A, that detail the final waste grades for the 170-acre expansion area. These grade plans supersede any previously approved final grades as outlined in permit to install # 02-14796 and shall remain the approved grades until updated engineering detail plans, specifications and information required by Section V, paragraph 2.B. have been approved by the Director. The Director may require that the grades established in Attachment A be adjusted to account for stability or other safety or environmental protection-related concerns that may develop at the Facility. Respondent shall comply with any revised grades established by the Director;

B. Submit, not later than 180 days after the effective date of these Orders, updated engineering detail plans, specifications and information to the Director for review and approval to modify permit to install # 02-14796 to:

1. Prohibit leachate recirculation in and vertically above cell 7 of the Facility;

2. Require the closure of cells 1, 2, 3,4A, 4B, 5A, 5B, 5C, 5D, and 6A following the Director's written concurrence with Respondent's certifications required by Section V, Paragraph 10, of these Orders; and

3. Revise the Facility's permit documents, consistent with the conceptual plan drawings approved under Section V, Paragraph 2.A. of these Orders, to account for the required closure of cells 1, 2, 3, 4A, 4B, 5A, 5B, 5C, 5D, and 6A and the resultant loss of airspace at the Facility. The revised permit documents shall result in a net loss of airspace of at least 15,500,000 cubic yards at the Facility, and shall not propose a lateral or vertical expansion of the limits of waste placement which were established in permit to install # 02-14796 at the Facility.

Respondent's updated engineering detail plans, specifications and other information shall be in conformance with the requirements of OAC Rules 3745-27-02, 06, 07, 15, 16, and 17 and any other applicable requirements. To the extent that Respondent maintains that some of the requirements of these rules can be satisfied by existing permit documents, and that such permit documents do not need to be updated, Respondent shall inform Ohio EPA in writing of such rule requirements and permit documents not later than 60 days after the effective date of these Orders.

Ohio EPA may review the updated engineering detail plans, specifications and other information submitted by Respondent to modify its permit in accordance with the procedures set forth in Section VI, Review of Submittals. The Director shall act upon the updated engineering detail plans, specifications and information submitted by Respondent to modify its permit in accordance with the requirements of ORC Section 3734.05(A)(6). Notwithstanding any other provision of these Orders, Respondent reserves the right to appeal any final action of the Director disapproving the updated engineering detail plans, specifications and information submitted by Respondent.

3. Integrity of Engineered Components. Not later than 45 days after the effective date of these Orders, Respondent shall submit to Ohio EPA for review and comment an Engineered Component Evaluation Study ("ECES"), which shall:

A. Contain a summary of efforts performed to date to evaluate whether the engineered components in cells 1, 2, 3, 4A, 4B, 5A, 5B, 5C, 5D, and 6A have been damaged;

B. Contain all data and investigative reports generated to date concerning whether the engineered components in cells 1, 2, 3, 4A, 4B, 5A, 5B, 5C, 5D, and 6A have been damaged;

C. Detail all measures, methods and techniques Respondent intends to take and rely on to further evaluate whether any of the engineered components in cells 1, 2, 3, 4A, 4B, 5A, 5B, 5C, 5D, and 6A have been damaged; and

D. Recommend a schedule for all measures, methods and techniques Respondent intends to take and rely on to further evaluate whether any of the engineered components in cells 1, 2, 3, 4A, 4B, 5A, 5B, 5C, 5D, and 6A have been damaged.

Ohio EPA may review the ECES in accordance with the procedures set forth in Section VI, Review of Submittals. Upon approval of the ECES by Ohio EPA, Respondent shall implement the ECES in accordance with the schedules contained therein.

4. Data Collection and Immediate Precautionary Measures. Beginning April 1, 2007, Respondent shall:

A. Conduct and record the results of the following activities in accordance with the minimum frequencies listed below. In accordance with Section XIV, Sampling and Document Availability, of these Orders, Respondent shall provide Ohio EPA with a copy of documentation related to the following activities upon request:

1.) Daily incident history log shall be completed to record all actions, problems or concerns discovered or undertaken by the Facility throughout the Fire Suppression Plan ("FSP") investigation, as defined in Section V, Paragraph 8, of these Orders.

2.) Daily documentation of all observed smoke and steam generated by the waste mass at the Facility, including the following:

- specific location;
- appearance;
- duration of event;
- any associated odors; and
- any associated work activities.

3.) Evaluation of waste mass settlement through weekly elevation surveys of areas of the Facility exhibiting elevated temperatures based on the most recent aerial infrared imaging or gas extraction system temperatures exceeding 131° F.

4.) Weekly inspection of the gas extraction system for residue indicative of combustion.

5.) Weekly measurement of leachate temperatures from areas of the Facility exhibiting elevated temperatures based on the most recent aerial infrared imaging or real time gas extraction system temperatures exceeding 131° F.

6.) Weekly field measurements of the following parameters and constituents in all gas extraction wells servicing cells 1, 2, 3, 4A, 4B, 5A, 5B, 5C, 5D, and 6A:

- initial and adjusted temperature;
- initial and adjusted pressure;
- initial and adjusted flow rate (at wells having flow measurement devices installed);
- concentrations of methane;
- concentrations of carbon dioxide; and
- concentrations of oxygen.

7.) Unless Respondent submits a Work Plan detailing an alternative approach for obtaining temperature and carbon monoxide, which is approved by Ohio EPA in writing, Respondent shall, at a minimum, sample all landfill gas extraction wells at the Facility with temperatures exceeding 150°F in accordance with the following requirements:

- Respondent shall divide the total number of landfill gas extraction wells with temperatures greater than 150°F into two subsets and shall alternate the sampling of each subset every two weeks;
- Respondent shall obtain vertical temperature analysis in 10 foot increments with each increment recorded and the highest recorded temperature and depth specifically highlighted. Respondent shall obtain sufficient data to yield a vertical temperature profile for each landfill gas extraction well; and
- Respondent shall obtain and submit carbon monoxide samples for laboratory analysis in accordance with the sampling frequency identified above for each landfill gas extraction well.

Respondent shall conduct this activity in a manner to minimize odors to the greatest practical extent. Nothing in these Orders shall be

construed as a modification of, or approval of, a higher operating level for nitrogen, oxygen, or temperature under New Source Performance Standards (NSPS) regulations at 40 C.F.R. 60.750 to 60.759.

8.) Twice per month laboratory gas analysis of each gas extraction well exhibiting temperatures greater than 150° F or CO readings greater than 100 ppmv using USEPA methods as follows:

- VOCs and all other appropriate analytes detected by TO-15; hydrogen, acetylene, and ammonia using ASTM-D4490-90; and methane using ASTM-D1946, or any other appropriate alternative testing methodologies approved by Ohio EPA in writing;

9.) Twice per month laboratory chemical analysis of the leachate collected from the Leachate Collection System servicing cells 1, 2, 3, 4A, 4B, 5A, 5B, 5C, 5D, and 6A, including the following parameters and constituents:

- pH;
- ammonia;
- aluminum;
- sodium;
- chloride;
- potassium;
- magnesium;
- fluoride;
- chemical oxygen demand; and
- total alkalinity.

10.) Monthly aerial infrared imaging of Respondent's Facility with a resolution capable of ascertaining actual ground temperature scale. A reference temperature must be established on the ground before conducting each survey required by this Order.

11.) Monthly laboratory gas analysis of each gas extraction well exhibiting temperatures greater than 170° F or CO readings greater than 100 ppmv using USEPA methods as follows:

- SVOCs and all other appropriate analytes detected by TO-13A; polynuclear aromatic hydrocarbons (PAHs) and all other appropriate analytes detected by TO-13A; and chlorinated dibenzo p-dioxins (PCDDs) and chlorodibenzofurans (PCDFs) using TO-9, or any other appropriate alternative testing methodologies approved by Ohio EPA in writing.

12.) Monthly laboratory chemical analysis of grab samples obtained from Respondent's collection points within the Leachate Collection System

servicing cells 1, 2, 3, 4A, 4B, 5A, 5B, 5C, 5D, and 6A including the following parameters and constituents:

- OAC Rule 3745-27-10 Appendix I (VOCs, metals, and non-metal inorganics utilizing appropriate SW-846 methods);

13.) Quarterly laboratory chemical analysis of grab samples obtained from Respondent's collection points within the leachate collected from the Leachate Collection System servicing cells 1, 2, 3, 4A, 4B, 5A, 5B, 5C, 5D, and 6A including the following parameters and constituents:

- polynuclear aromatic hydrocarbons (PAHs); chlorinated dibenzo p-dioxins (PCDDs) using EPA method 1613; and chlorodibenzofurans (PCDFs) using EPA method 1613.

B. Upon the effective date of these Orders, Respondent shall analyze the oxygen content of each landfill gas extraction well daily and shall note the oxygen content results on the logs required by Paragraph 5.C.1. of Section V of these Orders. Respondent shall limit oxygen influx to achieve 1.5% oxygen by volume in each landfill gas extraction well except as provided below:

1.) Not later than 7 days after Respondent's discovery of a landfill gas extraction well in excess of 1.5% oxygen by volume, Respondent shall undertake the following corrective measures as appropriate: placement of low permeability soils, additional placement of membrane, repair of gas extraction boots, placement of cover, or as a last resort, making appropriate and reasonable reductions in vacuum within the extraction system unless otherwise directed by Ohio EPA. This Paragraph does not prohibit vacuum reductions associated with nominal adjustments commonly associated with landfill gas system tuning.

2.) If corrective measures undertaken by Respondent fail to lower the oxygen levels within the gas extraction well to 1.5% oxygen by volume, Respondent shall submit a written demonstration to Ohio EPA not later than 14 days after Respondent's initial discovery of the landfill gas extraction well exceedance which explains why a given landfill gas extraction well or wells cannot meet the 1.5% oxygen by volume target goal. The demonstration shall further document in detail all of the corrective measures undertaken by Respondent to achieve the 1.5% by volume level since the exceedance. Respondent's written demonstration may further request an alternative oxygen concentration.

3.) To the extent that Respondent has submitted a demonstration to Ohio EPA and Ohio EPA has responded, Respondent shall achieve the 1.5% oxygen by volume standard in the affected landfill gas extraction well or wells not later than 30 days after an initial exceedance unless an alternative oxygen standard for the subject landfill gas extraction well or wells has been approved by Ohio EPA. Irrespective of the approved alternative oxygen standards, Respondent shall continue to undertake actions to limit oxygen influx to each landfill gas extraction well to 1.5 % oxygen by volume.

C. Begin installation and after installation keep available for immediate operation, generators with sufficient power-generating capacity to operate, without interruption, the landfill gas collection and control system in the event of a failure of the primary source of power for that system. Respondent shall complete installation of backup generators not later than 60 days after the effective date of these Orders.

D. Respondent may request to enlarge the minimum frequencies specified for the items of work to be performed under Section V, Paragraph 4.A. of these Orders and may request modification of the list of parameters specified for the items of work specified in Section V, Paragraph 4.A. of these Orders. The frequencies and parameters specified in Paragraph 4.A. above may be adjusted by Ohio EPA's DSIWM Enforcement Coordinator without subjecting these Orders to the requirements of the modification provision specified in Section XII of these Orders. Upon approval in writing by Ohio EPA's DSIWM Enforcement Coordinator of adjusted frequencies or parameters, Respondent shall comply with the adjusted frequencies or parameters as specified in the DSIWM Enforcement Coordinator's written approval.

E. Not later than 30 days after the effective date of these Orders, Respondent shall provide a summary of its data collection methodologies, standard field and equipment operating procedures, protocol to determine adjustments of temperature, pressure, and flow rate, equipment lists, and equipment capabilities and limitations to be utilized in data collection required under Section V, Paragraph 4.A. of these Orders. Respondent shall also include a thorough discussion of all historic data collected since January 1, 2005 that is determined to be anomalous and shall expressly detail the error and measures Respondent has taken to prevent recurrence of such errors.

5. Nuisance Odors and LFG Emissions. Respondent shall perform the following measures regarding nuisance odors and LFG emissions from the Facility:

A. Ambient Air Quality Sampling. Respondent shall sample ambient air at least once every sixth day to determine if air emissions generated by the Facility pose any risk to the health or safety of the public or to the environment. Based upon constituents, sampling locations (not less than three), sampling

durations, and sampling test methods identified by Ohio EPA, Respondent shall propose a detailed sampling program to Ohio EPA not later than 14 days following Ohio EPA's identification of the above parameters. Respondent shall implement the sampling program within 14 days following Ohio EPA's written approval of the program. Respondent may sample monthly if the results of four consecutive rotating sampling events demonstrate that there is no risk to the health or safety of the public or to the environment and if Ohio EPA concurs in writing with that demonstration. If monthly sampling is performed by the Respondent and the results of the monthly sampling indicate any risk to the health or safety of the public or to the environment, the Respondent shall revert to sampling once every sixth day until Ohio EPA concurs that monthly sampling is acceptable. Respondent shall submit a report of the sampling results to Ohio EPA within 30 days after each sampling event.

B. Odor Control and Contingency Plan. On February 13, 2007, Respondent submitted to Ohio EPA and the Stark County Health Department a proposed Odor Control and Contingency Plan, with Appendices that included a Malfunction Prevention and Abatement Plan. Respondent shall correct cited deficiencies in the Odor Control and Contingency Plan and Appendices and resubmit the Plan and Appendices to Ohio EPA and the Stark County Health Department within 20 days after receipt from Ohio EPA of a letter citing any deficiencies or within such longer time specified in the letter.

As part of the revisions to the Plan, Respondent shall provide detailed explanations and implementation schedules for the "planned activities" identified in section 2.2.3 of the Plan.

Upon approval of the revised plan by Ohio EPA, Respondent shall expeditiously implement the requirements of the Plan and Appendices. Respondent shall continue to revise the Plan and Appendices as circumstances reasonably indicate that improvements can be made to the Plan and Appendices to better control and suppress odors. Respondent shall expeditiously implement revised Plans and Appendices as approved by Ohio EPA.

C. Additional Odor-Reducing Requirements. Respondent shall:

1.) Monthly monitor and tune all landfill gas wells and fields. Respondent shall record the results of the monitoring and tuning and make such records available for inspection by Ohio EPA and the Division of Air Pollution Control, Canton City Health Department.

2.) Monthly survey the condition of intermediate cover and, as needed and weather permitting, scarify and recompact the intermediate cover.

3.) Continue to seal locations of the Facility found to be venting landfill gas or allowing the intrusion of air.

4.) Not later than 14 days after the effective date of these Orders, submit to Ohio EPA for review and comment an Interim Action and Evaluation Plan ("IAEP") which shall:

a.) Provide a detailed evaluation, in terms of technical feasibility, overall effectiveness, and cost, of all the measures that could potentially be implemented to further prevent nuisance odors and uncontrolled LFG emissions from being released from Respondent's Facility prior to the implementation of the comprehensive remedial action required by these Orders to extinguish the fire at the Facility. The evaluation shall address, but not be limited to, the following measures: installation of additional wells and expansion of the gas collection system.

b.) For each of the technically feasible measures identified pursuant to (a) above, propose a schedule for the expeditious implementation of the measure.

Ohio EPA may review the IAEP in accordance with the procedures set forth in Section VI, Review of Submittals. After completion of the IAEP, the Director may select an interim action that is designed to further prevent nuisance odors and uncontrolled LFG emissions from being released from Respondent's Facility prior to the implementation of the comprehensive remedial action required by these Orders to extinguish the fire at the Facility. Respondent shall implement the selected interim action in accordance with the terms and conditions of the Director's final action selecting the interim remedial action.

6. Requirements for Expansion of the Landfill Gas Collection and Control System. To the extent that the Director requires Respondent under these Orders to expand the gas collection and control system beyond the current limitations specified in the facility's current PTI and its Title V permit, the Director exercises the authority granted by ORC § 3704.03(R). The expanded installation is a physical change in the method of operation that would increase the allowable NSR pollutants (i.e., is a modification). However, the Director has determined that such an expansion qualifies as an air pollution control project as defined in OAC Rule 3745-31-01(PPP)(1)(a)(vi), provided that the modification is not classified as a major stationary source as defined in OAC Rule 3745-31-01(KKK)(2)(b) or (KKK)(1) [i.e., any increase granted herein, when added to the increase resulting from the expansion authorized by the Director's September 6, 2006 Orders shall in total be less than 250 tons per year of carbon monoxide and less than 100 tons per year of ozone-forming pollutants; thus, not triggering the requirement for a PSD and/or nonattainment preconstruction review permit]. Therefore, Respondent may install

additional gas wells and expand the control system provided that the increases in NSR pollutants do not trigger a PSD or a non-attainment NSR review and the gas collection and control system complies with all applicable requirements. The gas collection and control system shall comply with all applicable requirements including those specified in its Title V permit, 40 CFR, §§ 60.752 through 60.759 and 40 CFR, Part 63, Subpart AAAA and the flare(s) shall be designed and operated in accordance with 40 CFR § 60.18. Unless otherwise required herein or by federal, state, or local statute or regulation, these applicable requirements shall include, but not be limited to, the following:

A. The gas collection and control system shall be designed as follows:

1.) by a professional engineer;

2.) to handle the maximum expected gas flow rate generated from the area of the landfill experiencing accelerated decomposition;

3.) to collect gas at a sufficient extraction rate;

4.) to minimize off-site migration of subsurface gas;

5.) to route all the collected gas to a control system;

6.) to reduce nonmethane organic compounds ("NMOC") by 98 percent by weight if a flare is used as the control or, if an enclosed combustion device is used for control, it shall reduce NMOC by 98 percent by weight or reduce the outlet concentration to less than 20 ppmv on dry basis as hexane at 3 percent oxygen; and

7.) to operate the system to comply with the provisions of 40 CFR, §§ 60.753, 60.755 and 60.756.

B. The gas collection and control system shall be operated as follows:

1.) each interior wellhead shall have a landfill gas temperature of less than 131° F and with either a nitrogen level less than 20 percent or an oxygen level less than 5 percent, unless the Respondent demonstrates that a higher value does not cause fires or significantly inhibit anaerobic decomposition by killing methanogens. Operating levels above 131° F for temperature, 20% for nitrogen, or 5% for oxygen, shall only be allowed after obtaining approval of the Director under these Orders, and after making the necessary demonstration required by, and obtaining any other approvals required under, 40 C.F.R. 60.753(c);

2.) with negative pressure at each wellhead except as specified in 40

CFR, § 60.753(b);

3.) so that the methane concentration is less than 500 ppm above the background at the surface of the landfill; and

4.) so that all collected gases are vented to the control system and when the control system is inoperable, Respondent shall, within one hour, shut down the gas collection and control system and those valves in the system that might allow venting of gas to the ambient air shall be closed.

Respondent shall operate the control system at any time the collected gases are routed to the control system. Additionally, Respondent shall take corrective action as specified in 40 CFR §§ 60.755(a)(3) through (5) or §§ 60.755(c) if monitoring demonstrates that the system is not meeting the required temperature, nitrogen and oxygen levels or not operating under negative pressure.

Respondent shall monthly sample the landfill gas to determine its caloric heat value and average flow rate. This information shall be used to calculate the monthly air pollution emission rates for all criteria pollutants. The sampling shall be conducted in accordance with approved USEPA Reference Methods. Respondent shall maintain records of the sampling results and monthly calculations as well as rolling 12-month summations of the monthly calculated emission rates.

Respondent shall submit to Ohio EPA for approval amended applications to modify the applicable parts of its Title V operating permit and of its permit to install application for any expansion of its gas collection and control system authorized pursuant to Section V, Paragraph 6, of these Orders, and shall account for any increases in emissions resulting from the expansion, not later than 30 days after the installation of the expansion. Respondent shall also submit to Ohio EPA, not later than 30 days after the effective date of these Orders, the appropriate permit application, permit modification application, or notification required by OAC Chapters 3745-31 and 3745-77 for the backup power equipment installed pursuant to the requirements of these Orders. An extension of the specified application deadline date may be granted if Respondent submits written justification, two weeks prior to its due date, and if the Director concurs in writing.

7. The work required to be performed under Section V, Paragraphs 4 and 5 of these Orders, may be modified or discontinued as set forth in the Director's final action selecting a comprehensive remedial action for the Facility pursuant to Paragraphs 8 and 9 of Section V of these Orders.

8. Fire Suppression and Additional Odor Reducing Methods. Not later than 60 days after the effective date of these Orders, Respondent shall prepare and submit to Ohio EPA for review and comment a Fire Suppression Plan ("FSP") which shall:

A. Describe the procedures and methods Respondent will utilize to investigate the nature and extent of the fire, as described in Section IV, Paragraph 42 of these Orders, occurring at the Facility, including but not limited to the nature and extent of the aluminum waste reaction and the rapid thermal decomposition of solid waste smoldering fire occurring at the Facility. At a minimum, Respondent's investigation shall include the following:

1.) Full delineation of the vertical and horizontal extent of the subsurface thermal events;

2.) Determination of the degree to which the subsurface thermal events are occurring (i.e., including general observations such as smoke, steam, odor, etc.);

3.) Full data analysis using all data obtained pursuant to Paragraph 4 of Section V of these Orders and any other historic data. At a minimum this analysis should include the following:

- methane versus carbon monoxide;
- hydrogen gas versus methane;
- gas temperature versus time;
- leachate/condensate temperature versus time; and
- leachate constituents versus time.

4.) Weekly evaluation of lateral and vertical movement of the Facility;

B. Discuss and evaluate, in terms of technical feasibility, overall effectiveness, and cost, remedial alternatives to prevent nuisance odors and uncontrolled LFG emissions and extinguish the fire, as described in Section IV, Paragraph 42 of these Orders, at the Facility. All remedial alternatives must be protective of human health, safety and the environment. The fire shall be considered extinguished when carbon monoxide levels consistently remain below 100 ppmv in landfill gas extraction wells, rapid settlement subsides, hydrogen production in the landfill gas extraction wells returns to normal, but not to exceed 5% by volume, methane production levels return to those indicative of methanogenesis, and temperatures consistently remain below 131° F, and do not exceed 150° F, in landfill gas extraction wells unless a Higher Operating Value ("HOV") demonstration is approved for landfill gas extraction wells. Ohio EPA may approve of alternative standards for carbon monoxide, hydrogen production or methane production levels pursuant to the provisions of Section XII of these Orders;

C. Evaluate each remedial alternative to determine whether it will cause or contribute to a situation where carbon monoxide levels consistently remain below 100 ppmv in landfill gas extraction wells, rapid settlement subsides, hydrogen production in the landfill gas extraction wells returns to normal, but

not to exceed 5% by volume, methane production levels return to those indicative of methanogenesis, and temperatures consistently remain below 131° F, and do not exceed 150° F, in landfill gas extraction wells;

D. Evaluate, at a minimum, the following remedial alternatives:

1.) Using magnesium chloride to control or extinguish the aluminum waste reaction at the Facility;

2.) Using specialty foams;

3.) Excavating waste; and

4.) Capping portions of the Facility;

E. Provide a slope stability analysis of the portion of the Facility consisting of cells 1, 2, 3, 4A, 4B, 5A, 5B, 5C, 5D, 6A and 7;

F. Recommend schedules for the implementation of the FSP; and

G. Provide an ongoing Operation and Maintenance ("O&M") Plan for each of the remedial alternatives evaluated under the FSP. Respondent's O&M Plan shall specifically detail actions necessary to maintain the performance goals of the remedial alternatives as well as those measures necessary to continue mitigating nuisance odors and shall provide for the continuation of ongoing monitoring of conditions at the Facility, including those items specified in Section V, Paragraphs 4.A.1 through 4.A.13.

Ohio EPA may review the FSP in accordance with the procedures set forth in Section VI, Review of Submittals. Upon approval of the FSP by Ohio EPA, Respondent shall implement the FSP in accordance with the schedules contained therein.

9. Selection of Remedial Action. After completion of the FSP, the Director shall select a remedial action, or any combination of remedial actions, that is designed to extinguish the fire at the Facility. Respondent shall implement the remedial action, or combination of remedial actions, in accordance with the terms and conditions of the Director's final action selecting the remedial action, except as otherwise subsequently provided by Ohio EPA in writing. The Director may select an alternative remedial action to address conditions at the Facility. Respondent shall implement any alternative remedial action selected by the Director in accordance with the terms and conditions of the Director's final action selecting the alternative remedial action.

10. Certification of Completion. Upon completion of a remedial action, including the end of the operation and maintenance period, Respondent shall submit to the Director a written certification report, signed by Respondent's CEO, which shall:

    A. Contain all as-built drawings for the remedial action;

    B. Certify that the remedial action was completed in accordance with the terms and conditions of the Director's final action selecting the remedial action; and

    C. Certify that the fire has been extinguished at the Facility in accordance with the standards contained in Section V, Paragraph 8, of these Orders.

    If Respondent is unable to submit the certifications required by this Paragraph after the completion of a remedial action, including the end of the operation and maintenance period, the Director may select an alternative remedial action or pursue other relief as he deems appropriate to address the conditions at the Facility.

11. Emergency Response Plan. Not later than 60 days after the effective date of these Orders, Respondent shall prepare an Incident Emergency Response Plan that shall detail evacuation routes, shelter locations, federal, state and local emergency responders' contact information and other relevant procedures in the event that a catastrophic event should occur at the Facility, and shall provide a copy of the Incident Emergency Response Plan to Ohio EPA, Stark County, the Local Emergency Planning Commission, the County EMA, and the local fire departments servicing the Facility.

12. Financial Assurance. Not later than 30 days after the Director selects a remedial or any combination of remedial actions action to extinguish the fire pursuant to Section V, Paragraph 9 of these Orders, Respondent shall update its financial assurance instrument required by OAC Rules 3745-27-14, 15 and 16 to account for the implementation for the remedial action selected by the Director.

13. DSIWM Civil Penalty. Not later than 30 days after the effective date of these Orders, Respondent shall pay Ohio EPA the amount of $750,000.00 in settlement of Ohio EPA's claims for civil penalties, which may be assessed pursuant to ORC Chapter 3734. and which will be deposited into the environmental protection remediation fund established pursuant to ORC Section 3734.281. Payment shall be made by an official check made payable to "Treasurer, State of Ohio" for $750,000.00. 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 letter and check shall be sent to Ohio EPA, DSIWM, Supervisor, Systems Management Unit, P.O. Box 1049, Columbus, Ohio 43216-1049.

14. DAPC Civil Penalty. Not later than 30 days after the effective date of these Orders, Respondent shall pay $50,000.00 in settlement of Ohio EPA's claims for civil penalties, which may be assessed pursuant to ORC Chapter 3704. Payment to Ohio EPA shall be made by an official check made payable to "Treasurer, State of Ohio" for $50,000.00. The official check shall be submitted to Brenda Case, or her successor, together with a letter identifying the Respondent to: Ohio Environmental Protection Agency, Office of Fiscal Administration, P.O. Box 1049, Columbus, Ohio 43216-1049. A copy of the check shall be sent to James A. Orlemann, Assistant Chief, SIP Development and Enforcement Section, or his successor, at the following address: Ohio Environmental Protection Agency, Division of Air Pollution Control, P.O. Box 1049, Columbus, Ohio 43021-1049.

15. Community Benefit Project Fund. Not later than 30 days after the effective date of these Orders, Respondent shall establish the Community Benefit Project Fund (the "Fund") by depositing $250,000.00 into a separate interest bearing bank account. Respondent will only disburse this money after receiving written permission of Ohio EPA's Chief of the Division of Solid and Infectious Waste Management ("DSIWM"), or his designee. All interest derived from money placed into the Community Benefit Project Fund shall remain in the Fund for use as provided in this Paragraph. This Fund will not be considered as an asset of Respondent.

Ohio EPA has the sole discretion on the disbursement of the funds placed into the Community Benefit Project Fund and may establish criteria for the evaluation and disbursement of funds from the Fund. All administrative costs to maintain the account shall not be paid from the funds deposited into the account or interest earned; rather, they shall be costs paid by Respondent.

If 10 years after the effective date of these Orders any money remains in the Fund, Respondent shall pay Ohio EPA all remaining amounts for deposit into the environmental protection remediation fund established pursuant to ORC Section 3734.281. Payment shall be made by an official check made payable to "Treasurer, State of Ohio". 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 letter and check shall be sent to Ohio EPA, DSIWM, Supervisor, Systems Management Unit, P.O. Box 1049, Columbus, Ohio 43216-1049.

Not later than January 1, 2008, and annually thereafter, Respondent shall submit to the Ohio EPA, DSIWM, Supervisor, Systems Management Unit, P.O. Box 1049, Columbus, Ohio 43216-1049, or his designee, an accounting of the money in the Fund, the amount of money disbursed from the fund and the amount of interest earned. Respondent agrees to cooperate with the State of Ohio in any audit of its financial records to verify compliance with Paragraphs 15 and 16 of this Section V of these Orders.

16. Additional Funding of the Community Benefit Project Fund. For every ton of solid waste or other waste placed in the affected area (cells 1, 2, 3, 4A, 4B, 5A, 5B, 5C, 5D, and 6A) of the Facility in order to bring the affected area up to grade for closure as approved by Ohio EPA pursuant to these Orders, Respondent shall deposit $2.00 per ton into the Community Benefit Project Fund. Respondent shall not increase its gate rate to pass on the $2.00 per ton charge required by these Orders to its customers, but shall subtract this amount from the amount per ton it would normally charge as a gate receipt. Payment of this money into the Fund does not release Respondent from any obligation to pay fees required under the Ohio Revised Code or the Ohio Administrative Code.

In exchange for Respondent's initial deposit of $250,000.00 into the Fund made pursuant to Section V, Paragraph 15, of these Orders, Respondent shall not be required to deposit $2.00 per ton into the Fund for the first 125,000 tons of solid waste or other waste placed into the affected area in order to bring the affected area up to grade for closure. Respondent agrees to provide Ohio EPA upon request with an accounting of the amount of waste disposed in the affected area and the amount of money placed into the Fund.

VI. REVIEW OF SUBMITTALS

Ohio EPA may review any work plan, report, or other item required to be submitted pursuant to these Orders in accordance with this Section. Upon review, Ohio EPA may in its sole discretion: (a) approve the submission in whole or in part; (b) approve the submission upon specified conditions; (c) modify the submission; (d) disapprove the submission in whole or in part, notifying Respondent of deficiencies; or (e) any combination of the above. The results of Ohio EPA's review shall be in writing and provided to the Respondent.

In the event of approval as is, approval upon condition, or approval as modified of any submission by the Ohio EPA, Respondent shall proceed to take any action required by the submission as approved, conditionally approved, or approved as modified by Ohio EPA.

In the event that Ohio EPA initially disapproves a submission, in whole or in part, and notifies Respondent in writing of the deficiencies, Respondent shall within 14 days, or such longer period of time as specified by Ohio EPA in writing, correct the deficiencies and submit the revised submission to Ohio EPA for approval. The revised submission shall incorporate all of the changes, additions, and/or deletions specified by Ohio EPA in its notice of disapproval. Revised submissions shall be accompanied by a letter indicating how and where each of Ohio EPA's comments were incorporated into the submission. Any other changes made to the submission by Respondent shall also be identified in the letter.

If Respondent fails to submit a revised submission incorporating all changes, additions, and/or deletions within 14 days, or such period of time as specified by Ohio EPA in writing, Respondent shall be considered in breach and/or violation of these Orders. If Respondent

is in breach and/or violation of these Orders, Ohio EPA retains the right to terminate these Orders, perform any additional investigation, conduct any work to address conditions at the Facility and/or enforce the terms of these Orders.

VII. 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 Director 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: "I certify that the information contained in or accompanying this certification is true, accurate and complete."

This certification shall be submitted by Respondent to Ohio EPA and shall be signed by a responsible official of Respondent. For purposes of these Orders, a responsible official is a principal executive officer of at least the level of vice president or his duly authorized representative, if such a representative is responsible for the overall operation of the Facility.

VIII. 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, Respondent's Facility.

IX. 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 or the Facility.

Where any portion of the work required by these Orders requires a permit or approval, Respondent shall timely submit applications and take all other actions necessary to obtain such permits or approvals. Except as expressly provided herein, these Orders are not, and shall not be construed to be, a permit, exemption or variance issued pursuant to any statute or rule.

X. INDEMNIFICATION

Respondent agrees to indemnify, save, and hold harmless Ohio EPA from any and all claims or causes of action arising from, or related to, any acts or omissions of Respondent and/or Ohio EPA, its officers, employees, agents, representatives, or assigns, arising from or related to the Facility and/or the work required under these Orders. Ohio EPA agrees to provide notice to the Respondent within 30 days after receipt of any claim which may be the subject of indemnity as provided in this Section, and to cooperate with Respondent in the defense of any such claim or action against Ohio EPA. Ohio EPA shall not be considered a party to and shall not be held liable under any contract entered into by Respondent in carrying out the activities pursuant to these Orders.

XI. ACCESS

Ohio EPA shall have access at all reasonable times, including during business hours, to the Facility and any other property to which access is required for the implementation of these Orders, to the extent access to the property is controlled by Respondent. Access under these Orders shall be for the purposes of conducting any activity related to these Orders including but not limited to the following:

A. Monitoring the work;

B. Conducting sampling;

C. Inspecting and copying records, operating logs, contracts, and/or other documents related to the implementation of these Orders;

D. Conducting investigations and tests related to the implementation of these Orders; and

E. Verifying any data and/or other information submitted to Ohio EPA.

To the extent that the Facility or any other property to which access is required for the implementation of these Orders is owned or controlled by persons other than Respondent, Respondent shall use its best efforts to secure from such persons access for Respondent and Ohio EPA as necessary to effectuate these Orders. Copies of all access agreements obtained by Respondent shall be provided to Ohio EPA upon request. If any access required to implement these Orders is not obtained within 30 days after the effective date of these Orders, or within 30 days after the date Ohio EPA notifies Respondent in writing that additional access beyond that previously secured is necessary, Respondent shall promptly notify Ohio EPA in writing of the steps Respondent has taken to attempt to obtain access. Ohio EPA may, as it deems appropriate, assist Respondent in obtaining access.

Notwithstanding any provision of these Orders, the State of Ohio retains all of its access rights and authorities, including enforcement authorities related thereto, under any applicable statute or regulation.

XII. 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.

XIII. NOTICE

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

Ohio Environmental Protection Agency
Northeast District Office
Division of Solid and Infectious Waste Management
Attn: District Chief
2110 East Aurora Road
Twinsburg, Ohio 44087

and

Ohio Environmental Protection Agency
Central Office
Division of Solid and Infectious Waste Management
Attn: DSIWM Enforcement Coordinator
PO Box 1049
Columbus, Ohio 43216-1049

and

Stark County Health Department
3951 Convenience Circle, N.W.
Canton, Ohio 44718

and/or to such persons and addresses as may hereafter be otherwise specified in writing by Ohio EPA, including the Division of Air Pollution Control, Canton City Health Department.

XIV. SAMPLING AND DOCUMENT AVAILABILITY

Unless otherwise agreed to by Ohio EPA, Respondent shall notify Ohio EPA not less than 15 days in advance of all sample collection activity. Upon request, Respondent shall allow split and/or duplicate samples to be taken by Ohio EPA or its designated contractor. Ohio EPA shall also have the right to take any additional samples it deems necessary. Upon request, Ohio EPA shall allow Respondent to take split and/or duplicate samples of any

samples Ohio EPA takes as part of its oversight of Respondent's implementation of the work required by these Orders.

Ohio EPA may request copies of all documentation required by these Orders including, but not limited to, odor logs and related documentation and sampling, tests or other data, including raw data and original laboratory reports, generated by or on behalf of Respondent with respect to the Facility. Within 7 days after Respondent's receipt of a request by Ohio EPA, Respondent shall provide Ohio EPA with a copy of the documentation requested to Ohio EPA. An electronic copy shall also be provided in a format approved by Ohio EPA. Respondent may submit to Ohio EPA any interpretive reports and written explanations concerning the raw data and original laboratory reports. Such interpretive reports and written explanations shall not be submitted in lieu of original laboratory reports and raw data. Should Respondent subsequently discover an error in any report or raw data, Respondent shall promptly notify Ohio EPA of such discovery and provide the correct information.

Respondent shall retain all documentation generated as a result of these Orders for a period of 5 years following the effective date of these Orders.

XV. REIMBURSEMENT OF COSTS

Ohio EPA may subject any reports and data submitted to Ohio EPA pursuant to these Orders, including but not limited to the slope stability analysis required in Section V, Paragraph 8 of these Orders, to evaluation and validation by a third party and may incur costs for such report and data evaluation and validation. In addition, Ohio EPA may hire contractors to assist with the implementation of these Orders. Respondent shall reimburse Ohio EPA for all contractor costs and costs incurred for evaluation and validation of reports and data. Within 30 days after receipt of an accounting of such costs, Respondent shall remit an official check made payable to "Treasurer, State of Ohio" to Ohio EPA for the full amount claimed. 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 letter and check shall be sent to Ohio EPA, DSIWM, Supervisor, Systems Management Unit, P.O. Box 1049, Columbus, Ohio 43216-1049.

XVI. RESERVATION OF RIGHTS

Ohio EPA and Respondent each reserve all rights, privileges and causes of action, except as specifically waived in Section XVII of these Orders.

XVII. WAIVER

In order to resolve disputed claims, without admission of fact, violation or liability, and in lieu of further enforcement action by Ohio EPA to recover civil penalties for 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 only for civil penalties for the violations specifically cited herein, except that nothing in these Orders shall be construed to release Respondent from any liability Respondent may have for violations associated with the release of nuisance odors or uncontrolled landfill gas emissions from the Facility occurring after the effective date of these Orders or for other violations arising after the effective date of these Orders.

Respondent consents to the issuance of these Orders and agrees to comply with these Orders. Respondent hereby waives the right to appeal the issuance, terms and conditions, and service of these Orders, including but not limited to any rights Respondent may have to appeal final actions issued by Ohio EPA pursuant to 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.

XVIII. EFFECTIVE DATE

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

XIX. 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

Chris Korleski, Director

IT IS SO AGREED:

Republic Services of Ohio II, LLC
dba Countywide Recycling and Disposal Facility

Signature

March 26, 2007
Date

Ronald R Krall
Printed or Typed Name

V.P.
Title