

Issuance Date: OCT 25 1995
Effective Date: OCT 25 1995

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

OHIO E.P.A.
OCT 25 95
ENTERED DIRECTOR'S JOURNAL

IN THE MATTER OF

KING ROAD LANDFILL
3535 KING ROAD
SYLVANIA, OHIO 43560

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~~DIRECTOR'S~~ FINAL FINDINGS AND
ORDERS

Pursuant to the provisions of Section 3734.041(D) of the Ohio Revised Code ("ORC") and Rule 3745-27-12(O) of the Ohio Administrative Code ("OAC"), the Director of Ohio Environmental Protection ("Director") hereby makes the following Findings and issues the following Orders:

FINDINGS

1. The King Road Landfill is owned by the Lucas County Commissioners ("Lucas County") and is located in Section 20 of Sylvania Township, Lucas County. King Road Landfill is bounded by King Road on the east, Covert Road on the south, Toledo-Angola Western Railroad on the north and Silica Road to the west.
2. On October 20, 1994 Director's Final Findings and Orders ("F&Os") were issued to address the methane gas exceedances at the King Road Landfill. Lucas County appealed these F&Os to the Environmental Board of Review. On December 27, 1994, Ohio EPA and Lucas County met and reached agreement on how Lucas County should address the methane gas exceedances. The parties' settlement is set forth in the following Orders.
3. ORC Section 3734.041(D) and OAC Rule 3745-27-12(O) state that upon the Director's Findings that explosive gas formation and migration threaten human health, safety, or the environment, he may order the owner to perform measures to abate or minimize the formation or migration of explosive gas.

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By: Mary Carvin Date 10-25-95

4. OAC Rule 3745-27-12(P) states that the Director may require the installation of additional temporary or permanent monitors or abandonment of permanent monitors as necessary to monitor explosive gas pathways or eliminate the potential contamination of groundwater.
5. The formation and migration of explosive gas from the facility is hereby -- found to constitute a threat to human health, safety and environment.
6. ~~The Director determined the Findings of Fact contained within the October 20, 1994 F&Os.~~ Lucas County does not admit to Findings Number 5, 6, 7, 10, and 11 of the October 20, 1994 F&Os, but, for purposes of settlement, Lucas County agrees, as set forth in the Stipulation and Settlement Agreement filed in Case No. EBR 483240, to the Director's authority to issue these modified F&Os. Lucas County, as also set forth in the Stipulation and Settlement Agreement, waives any right to contest the lawfulness or reasonableness of these modified F&Os before the Environmental Board of Review or any court of competent jurisdiction.

ORDERS

1. The Director's Final Findings and Orders of October 20, 1994, attached hereto and incorporated by reference herein as Attachment I, are hereby modified such that in lieu of compliance with Orders Number 1 to 7 of the Director's October 20, 1994 Findings and Orders, Lucas County shall comply with Orders Number 2 to 10 of these Findings and Orders.
2. Lucas County, as set forth in its approved explosive gas monitoring plan, has installed 45 methane monitoring probes around the perimeter of the King Road Landfill. Lucas County shall conduct monitoring of these probes and shall conduct remediation to control off-site migration of explosive gas as set forth in Orders Number 3, 4, 5, 6, and 7.
3. Lucas County shall conduct the following actions regarding methane monitoring probes 35 through 43:
 - a. by March 1, 1996, an engineered gas remediation trench shall be installed from probes 35 through 43 to control explosive gas migration along this area of the King Road Landfill;
 - b. within ten days after installation of the remediation trench, six new methane monitoring probes shall be installed to replace those probes

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- removed during installation of the remediation trench; two of these six new probes shall be installed at each end of the trench and the other four shall be installed along the west side of the remediation trench;
- c. to the extent that the remediation trench or new probes are to be located on property owned by parties other than Lucas County, Lucas County shall obtain access agreements from the owners, including any agreements necessary to provide access to Ohio EPA and its authorized representatives; if Lucas County is unable to obtain such access, Lucas county shall promptly notify Ohio EPA, at the address set forth in Order 3.d., in writing regarding both the lack of access agreements and the efforts to obtain such access agreements; in the event Ohio EPA agrees that Lucas County has used its best efforts, Ohio EPA will contact the landowner(s) and consider a range of options to facilitate implementation of these Findings and Orders.
- d. within sixty days after installation of the remediation trench, a written report shall be submitted to Ohio EPA, Northwest District Office ("NWDO"), Attn: Unit Supervisor-Division of Solid and Infectious Waste Management ("DSIWM") detailing the installation of the remediation trench and the new monitoring probes; such report is to be certified by a registered professional engineer and must include, but is not limited to, all boring logs if borings are advanced, the as-built plans for the remediation trench and probes, and a topographical plan which clearly identifies the location of the remediation trench and probes;
- e. from April, 1995 until the remediation trench is installed, monthly monitoring shall be conducted of probes 35 through 43; the results of this monthly monitoring shall be submitted to Ohio EPA, NWDO within fourteen days of each monitoring event;
- f. after the six new monitoring probes are installed, monitoring of each of the six new probes shall be conducted weekly for six consecutive weeks; the results of this monitoring shall be submitted to Ohio EPA, NWDO within fourteen days of each monitoring event;
- g. if the monitoring of the six new probes reports a sustained reading at or above the LEL for methane gas (5% methane gas by volume), further remediation to control explosive gas migration shall be conducted as set forth in OAC Rule 3745-27-12(K)(2).

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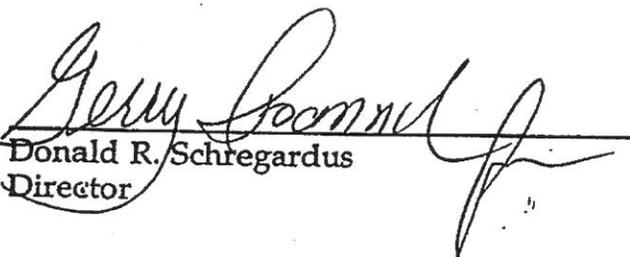
4. Lucas County shall conduct the following actions regarding methane monitoring probe 25:
 - a. by March 1, 1996, an engineered gas remediation trench or vent pipes shall be installed to control explosive gas migration along this area of-- the King Road Landfill;
 - b. ~~if a remediation trench is installed, within ten days after such installation, new methane monitoring probes shall be installed to replace those probes removed during installation of the remediation trench; the new probes shall be installed along the south side of the remediation trench;~~
 - c. within sixty days after installation of the remediation trench or vent pipes, a written report shall be submitted to the Ohio EPA, NWDO, Attn: Unit Supervisor-DSIWM detailing the installation of the remediation trench or vent pipes and the new monitoring probes; such report is to be certified by a registered professional engineer and must include, but is not limited to, all boring logs if borings are advanced, the as-built plans for the trench or pipes, and a topographical plan which clearly identifies the location of the trench or pipes and probes;
 - d. from May, 1995 until the remediation trench or vent pipes and probes are installed, monthly monitoring shall be conducted of probe 25; the results of this monthly monitoring shall be submitted to Ohio EPA, NWDO within fourteen days of each monitoring event;
 - e. after the the remediation trench or vent pipes are installed, monitoring of probe 25, if it has not been removed, and monitoring of any new probes shall be conducted weekly for six consecutive weeks; the results of this monitoring shall be submitted to Ohio EPA, NWDO within fourteen days of each monitoring event;
 - f. if the monitoring of the probes reports a sustained reading at or above the LEL for methane gas (5% methane gas by volume), further remediation to control explosive gas migration shall be conducted as set forth in OAC Rule 3745-27-12(K)(2).
5. Lucas County shall conduct the following actions regarding methane monitoring probe 22:

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8. All methane monitoring required by Orders Number 3, 4, 5, 6, and 7 shall be conducted in the manner set forth in Lucas County's approved explosive gas monitoring plan.
9. In addition to the methane monitoring required by Orders Number 3, 4, 5, 6, and 7, Lucas County shall continue to conduct the monitoring required by its approved explosive gas monitoring plan. However, any monitoring required by the approved explosive gas monitoring plan of a methane monitoring probe need not be duplicated if such monitoring is conducted as part of the monitoring required by Orders Number 3, 4, 5, 6, and 7. Furthermore, if the monitoring required by the approved gas monitoring plan reports a sustained reading at or above the LEL for methane gas (5% methane gas by volume), remediation to control explosive gas migration shall be conducted as set forth in OAC Rule 3745-27-12(K)(2).
10. Nothing in these findings and Orders shall be construed to authorize any waiver from any other requirements of applicable state solid waste laws or regulations. Furthermore, these Findings and Orders shall not be interpreted to release Lucas County from responsibility under ORC Chapters 3704, 3734, or 6111, the Federal Clean Water Act, or the Comprehensive Environmental Response, Compensation, and Liability Act for remedying conditions resulting from any release of contaminants from the landfill to the environment.

IT IS SO ORDERED:


Donald R. Schregardus
Director

OCT 25 1995
Date

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