



State of Ohio Environmental Protection Agency

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Issuance Date: _____

Effective Date: _____

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

Norton Environmental :
Mt. Eaton Landfill : Director's Final Findings
P.O. Box 336 : and Orders
Mt. Eaton, Ohio 44659 :

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to Norton Environmental 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

These Orders shall apply to and be binding upon Norton Environmental and successors in interest liable under Ohio law. No changes in ownership of the Mt. Eaton Landfill (Facility) will in any way alter Norton Environmental's responsibilities under these Orders.

III. DEFINITIONS

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

IV. FINDINGS

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

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

1. The Facility is leased by Norton Environmental and operated at 8544 S.W. Lebanon Road, Mount Eaton, Wayne County, Ohio.
2. The Facility is an active municipal solid waste landfill facility, and the ground water monitoring requirements of Ohio Administrative Code (OAC) Rule 3745-27-10 apply to the Facility.
3. Ground water assessment activities have begun for all existing detection monitoring wells. OAC Rule 3745-27-10(E)(4)(h) requires, in part, that at least one additional monitoring well be installed downgradient of a triggered detection monitoring well. The placement of an assessment well downgradient of all of the wells is not practical due to the topography at the Facility.
4. On December 9, 2004, Eagon and Associates, Inc., on behalf of Norton Environmental, submitted a request to the Director to conduct surface water monitoring as part of the ground water monitoring system in areas where it is not practical to place a well.
5. OAC Rule 3745-27-10(B)(1)(b) states, in part:

“The ground water monitoring system, for detection monitoring, assessment monitoring, or corrective measures, shall consist of a sufficient number of wells, installed at appropriate locations and depths, to yield ground water samples from both the uppermost aquifer system and any significant zones of saturation that exist above the uppermost aquifer system that do the following:

- (b) Represent the quality of the ground water passing directly downgradient of the limits of solid waste placement.

The director may require or otherwise authorize an owner or operator to conduct surface water monitoring (i.e., seeps, springs or streams) as part of the ground water monitoring system in areas where it may not be practical to place a well. Such surface water samples shall be representative of ground water quality passing directly downgradient of the limits of solid waste placement.”

6. The proposed method of obtaining ground water samples described in the request is considered surface water sampling and, therefore, requires authorization of the Director pursuant to OAC Rule 3745-27-10(B)(1).

V. ORDERS

1. Pursuant to OAC Rule 3745-27-10(B)(1), Norton Environmental is hereby authorized to conduct surface water monitoring as part of the ground water monitoring system downgradient from the Facility's ground water monitoring wells, provided that Norton Environmental complies with the following conditions:
 - a. The collection of discrete surface water samples from the proposed surface water monitoring locations shall be conducted in accordance with the protocol outlined in the facility sampling and analysis plan.
 - b. The surface water sample shall be analyzed for all parameters required pursuant to OAC Rule 3745-27-10(E)(5)(b).
 - c. The data collected from the proposed surface water monitoring location shall be analyzed with the same methodologies outlined in the facility assessment monitoring plan.
2. The authorization granted in Order Number 1, above, shall apply only to the surface water sampling location downgradient of the ground water monitoring wells at the Facility, as described in the December 9, 2004, request.
3. Nothing in this authorization shall be construed to authorize any activity, method, or waiver from the requirements of any other provision of ORC Chapter 3734 or the regulations promulgated thereunder, except as expressly provided herein. These Orders shall not be interpreted to release Norton Environmental from responsibility under ORC Chapters 3704, 3734, or 6111; under the Federal Clean Water Act or the Comprehensive Environmental Response, Compensation, and Liability Act; or from other applicable requirements for remedying conditions resulting from any release of contaminants to the environment.

VI. OTHER APPLICABLE LAWS

All actions required to be taken pursuant to these Orders shall be undertaken in accordance with the requirements of all applicable federal, state, and local laws and regulations. Nothing in these Orders shall be construed as waiving or compromising in any way the applicability and enforcement of any other statutes or regulations applicable to the Facility.

VII. NOTICE

All documents required to be submitted to Ohio EPA in accordance with these Orders shall be submitted to the following address:

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

VIII. RESERVATION OF RIGHTS

Nothing contained herein shall be construed to prevent Ohio EPA from exercising its lawful authority to require Norton Environmental to perform additional activities pursuant to ORC Chapter 3734 or any other applicable law in the future. Nothing herein shall restrict the right of Norton Environmental to raise any administrative, legal, or equitable claim or defense with respect to such further actions which Ohio EPA may seek to require of Norton Environmental. Nothing in these Orders shall be construed to limit the authority of Ohio EPA to seek relief for violations which may occur at the Facility.

IT IS SO ORDERED:

Joseph P. Koncelik, Director