

Issuance Date: _____

Effective Date: _____

**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

In the Matter of:

Crawford County Board of Commissioners	:	
Crawford County Courthouse	:	
112 East Mansfield Street	:	<u>Director's Final</u>
Bucyrus, Ohio 44820	:	<u>Findings and Orders</u>
Santek Environmental	:	
5128 Lincoln Highway East	:	
Bucyrus, Ohio 44820	:	

I. JURISDICTION

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

II. PARTIES BOUND

These Orders shall apply to and be binding upon the Crawford County Board of Commissioners and Santek Environmental ("Santek") and their successors in interest liable under Ohio law. No change in membership of the Crawford County Board of Commissioners ("Crawford County") or in ownership of Santek or of the Facility, as hereinafter defined, shall in any way alter Crawford County's and Santek's obligations under these Orders.

III. DEFINITIONS

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

IV. FINDINGS

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

1. Crawford County is the owner and Santek is the operator of the Crawford County Landfill ("Facility") located at 5128 Lincoln Highway East, Bucyrus, Crawford County, Ohio. The Facility is a "sanitary landfill facility" as that term is defined in OAC Rule 3745-27-01(S)(4).
2. The United States Environmental Protection Agency ("USEPA") and Ohio EPA are overseeing the cleanup of the Little Scioto River and Sawyer Ludwig Park in Marion, Ohio. This cleanup project will generate dredgings and soils stabilized with cement kiln dust ("Remediation Soils"), which USEPA and Ohio EPA will manage as solid waste, as that term is defined in OAC Rule 3745-27-01(S)(24).
3. OAC Rule 3745-27-19(E)(7)(e) requires that the owner or operator ensure that all waste admitted to the sanitary landfill facility is deposited at the working face, spread, and compacted.
4. On May 6, 2005, Ohio EPA, Northwest District Office ("NWDO") received a request, pursuant to OAC Rule 3745-27-19(F)(3)(a), from Crawford County and Santek to use the Remediation Soils as alternative daily cover material at the Facility. As part of the request, Crawford County and Santek propose to temporarily store the Remediation Soils prior to their use as alternative daily cover material, in accordance with certain limitations and safeguards.
5. Pursuant to OAC Rule 3745-27-19(B)(2), the owner or operator shall conduct all construction and operation at a sanitary landfill facility in strict compliance with the applicable authorizing document(s), including permit(s) to install. Currently, the Facility is operating pursuant to Permit-to-Install ("PTI") Number 03-11036, which established the Facility's authorized maximum daily waste receipt ("AMDWR") to be 500 tons.
6. On May 6, 2005, Ohio EPA received a letter from Santek, indicating that Crawford County and Santek anticipate the need to increase the Facility's AMDWR to allow for acceptance of the Remediation Soils at the Facility without disrupting normal waste deliveries from current haulers.
7. Exempting Crawford County and Santek from the requirements in OAC Rules 3745-27-19(E)(7)(e) and OAC Rule 3745-27-19(B)(2) will allow for the majority of the

Remediation Soils to be utilized as alternative daily cover material at the Facility. Such utilization will result in substantial cost savings to USEPA and Ohio EPA for this publicly funded cleanup project.

8. Pursuant to ORC Section 3734.02(G) and OAC Rule 3745-27-03(B), the Director may, by order, exempt any person generating, collecting, storing, treating, disposing of, or transporting solid wastes, or processing solid waste that consists of scrap tires, in such quantities or under such circumstances that, in the determination of the Director, are unlikely to adversely affect the public health or safety or the environment, from any requirement to obtain a registration certificate, permit, or license or comply with other requirements of ORC Chapter 3734.
9. Granting Crawford County and Santek an exemption from the requirement of OAC Rule 3745-27-19(E)(7)(e) that all solid waste admitted to the facility be deposited at the working face, spread, and compacted, in order to allow the Remediation Soils to be deposited at an on-site stockpile in anticipation of their intended utilization as alternative daily cover material in accordance with the May 6, 2005, request, is unlikely to adversely affect public health or safety or the environment, provided Crawford County and Santek comply with the following Orders.
10. Granting Crawford County and Santek an exemption from the requirement of OAC Rule 3745-27-19(B)(2) to maintain strict compliance with the applicable authorizing documents, including permits to install, in order to exceed the Facility's AMDWR, as established in PTI Number 03-11036, to utilize the Remediation Soils as alternative daily cover material at the Facility in accordance with the May 6, 2005, request, is unlikely to adversely affect public health or safety or the environment, provided Crawford County and Santek comply with the following Orders.

V. ORDERS

1. Pursuant to ORC Section 3734.02(G) and OAC Rule 3745-27-03(B), Crawford County and Santek are hereby exempted from the requirement of OAC Rule 3745-27-19(E)(7)(e) that all solid waste admitted to the facility be deposited at the working face, spread, and compacted, in order to allow the Remediation Soils to be deposited at an on-site stockpile for subsequent use as alternative daily cover material in accordance with any Ohio EPA approval of the May 6, 2005, request to use the Remediation Soils as alternative daily cover material. This exemption shall not apply to any solid wastes other than the Remediation Soils described in Finding Number 2, above.
2. Pursuant to ORC Section 3734.02(G) and OAC Rule 3745-27-03(B), Crawford County and Santek are hereby exempted from the requirement in OAC Rule 3745-

27-19(B)(2) to maintain strict compliance with the applicable authorizing documents, including permits to install, in order to exceed the Facility's AMDWR, as established in PTI Number 03-11036, to utilize the Remediation Soils as alternative daily cover material at the Facility in accordance with any Ohio EPA approval of the May 6, 2005, request to use the Remediation Soils as alternative daily cover material. The Remediation Soils need not be counted toward the Facility's AMDWR; however, their acceptance shall be recorded on the Municipal Solid Waste Landfill Daily Log of Operations with a clear notation that the Remediation Soils are "Remediation Soils from the Little Scioto River and Sawyer Ludwig Park Cleanup Project." Crawford County and Santek shall not accept for disposal solid wastes, other than the Remediation Soils described in Finding Number 2, above, in excess of the Facility's AMDWR.

3. Nothing in these Orders shall be construed to authorize any waiver from the requirements of any other applicable federal or state laws or regulations except as specified herein. These Orders shall not be interpreted to release Crawford County or Santek from responsibility under ORC Chapters 3704., 3714., 3734., or 6111.; under the Federal Clean Water Act, the Resource Conservation and Recovery 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 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 Crawford County, Santek, and/or the Facility.

VII. RESERVATION OF RIGHTS

Nothing contained herein shall be construed to prevent Ohio EPA from seeking legal or equitable relief to enforce the terms of these Orders or from taking other administrative, legal, or equitable action as deemed appropriate and necessary, including seeking penalties against Crawford County and/or Santek for noncompliance with these Orders. Nothing contained herein shall be construed to prevent Ohio EPA from exercising its lawful authority to require Crawford County and/or Santek to perform additional activities pursuant to ORC Chapter 3734. or any other applicable law in the future. Nothing herein shall restrict the right of Crawford County and/or Santek to raise any administrative, legal, or

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equitable claim or defense with respect to such further actions which Ohio EPA may seek to require of Crawford County and/or Santek. 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
Ohio Environmental Protection Agency