

Date Issued: _____

Date Effective: _____

**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

In the Matter Of:

Board of Commissioners : Director's Final Findings
of Crawford County, Ohio : and Orders
Courtthouse :
112 East Mansfield St. :
Bucyrus, Ohio 44820 :

Respondents

PREAMBLE

It is hereby agreed by and among the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are hereby issued to the Crawford County Commissioners ("Respondents") 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 Respondents and successors in interest liable under Ohio law. No change in ownership of the Facility shall in any way alter Respondents' obligations under these Orders.

III. DEFINITIONS

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

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

IV. FINDINGS OF FACT

The Director has determined the following findings of fact:

1. Respondents are the owners, operators, and licensees of the Crawford County Landfill ("Facility") located at 5128 Lincoln Highway, Liberty and Whetstone Townships, Bucyrus, Ohio.
2. The Facility is a "sanitary landfill facility" as defined under Ohio Administrative Code ("OAC") Rule 3745-27-01(C)(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(B)(43).
3. Respondents are currently operating the Facility pursuant to the Lateral Expansion Permit to Install ("PTI") No. 03-5721, effective March 20, 1995. Condition 15 of PTI No. 03-5721 required Respondents to cease accepting waste and initiate closure of the existing unit of the Facility, known as the EIPTI Area, by March 20, 1996. The EIPTI Area is part of the North Landfill Unit of the Facility. The North Landfill Unit is defined in Attachment 1 of Volume 2 of the "Response to EIPTI Cap Construction Notice of Deficiency Comments" dated September 7, 2001.
4. In correspondence dated December 7, 1995, Respondents requested an extension to the March 20, 1996 deadline outlined in Condition 15 of the Facility's approved PTI No. 03-5721. On March 6, 1996, the Director of Ohio EPA modified Condition 15 of the Facility's approved March 20, 1995 PTI No. 03-5721 to the following:

"Not later than June 20, 1996, the permittee shall cease accepting waste and initiate closure of the existing unit ("EIPTI Area") of the Crawford County Landfill in accordance with the approved Final Closure/Post-Closure Plan."
5. Pursuant to OAC Rule 3745-27-11(I), Respondents were required to complete closure of the EIPTI Area within 180 days after the final receipt of waste on June 20, 1996, or by December 17, 1996. Ohio EPA notified Respondents of the requirements of **OAC Rule 3745-27-11(I)** in correspondence dated August 1, 1996, August 7, 1996, and November 6, 1996.
6. Respondents failed to complete closure activities of the EIPTI Area located north of the lateral expansion unit within 180 days after final receipt of waste. Ohio EPA notified Respondents of the violation of **OAC Rule 3745-27-11(I)**, which was initially discovered during a Facility inspection conducted by Ohio EPA on January 30 and 31, 1997, in correspondence dated February 14, 1997; February 19, 1997; April 11,

1997; June 11, 1997; July 17, 1997; November 28, 1997; February 17, 1998; November 4, 1998; and May 4, 1999. This is also a violation of **OAC Rule 3745-27-19(H)**.

7. In correspondence dated March 24, 1997 and April 24, 1997, the Crawford County Health Department notified Respondents of violations of **OAC Rule 3745-27-11(I)**, which were initially discovered during a Facility inspection conducted by the Crawford County Health Department on March 17, 1997. Respondents failed to complete closure activities of the EIPTI Area located north of the lateral expansion unit within 180 days after final receipt of waste.
8. On November 18, 1998, Ohio EPA received a report titled, "Report On Construction Quality Assurance Services For EIPTI Cover Crawford County Landfill Bucyrus, Ohio." This report served to certify final cover installation over a portion of the EIPTI Area. After reviewing this submittal, Ohio EPA sent Respondents a Notice of Deficiency ("NOD") on March 24, 1999.
9. In correspondence dated September 12, 1997; May 14, 1998; January 4, 1999; April 12, 1999; and May 9, 1999, Ohio EPA notified Respondents of the following violations of **OAC Rule 3745-27-10**:
 - a. Respondents violated **OAC Rule 3745-27-10(B)(3)(d)** by failing to: 1) revise the Ground Water Detection Monitoring Plan ("GWDMP"); and 2) document the addition of the significant zone of saturation in the southeast portion of the Facility. Respondents have since addressed this violation.
 - b. Respondents violated **OAC Rule 3745-27-10(B)(3)(e)** by failing to maintain the monitoring wells in accordance with the design specifications. In particular, Respondents has failed to investigate and remedy turbidity problems with monitoring well P-8. Respondents have since addressed this violation.
 - c. Respondents violated **OAC Rule 3745-27-10(B)(5)** by failing to include a potentiometric surface map for the significant zone of saturation in the southeast portion of the Facility with the 1997 and 1998 Annual Reports and by including an incorrectly contoured potentiometric surface map for the uppermost aquifer system with the 1998 Annual Report. Respondents have since addressed this violation.
 - d. Respondents violated **OAC Rule 3745-27-10(C)(1)** by failing to employ consistent sampling and analysis procedures that can provide an accurate representation of the ground water quality. Respondents have since addressed this violation.

- e. Respondents violated **OAC Rule 3745-27-10(D)(5)(C)** by failing to analyze monitoring well Z-1 for all 79 analytes listed in Appendix I. Respondents have since addressed this violation.
10. In correspondence dated October 5, 1995; November 3, 1995; February 2, 1996; April 23, 1996; May 28, 1996; August 1, 1996; August 7, 1996; February 19, 1997; February 27, 1997; April 11, 1997; June 11, 1997; September 2, 1997; September 12, 1997; November 28, 1997; January 5, 1998; February 17, 1998; April 14, 1998; May 14, 1998; July 6, 1998; August 4, 1998; November 17, 1998; April 12, 1999; May 4, 1999; May 9, 1999 and March 28, 2000, Ohio EPA notified Respondents of the following violations of **OAC Rule 3745-27-19** which were discovered during inspections of the Facility conducted by Ohio EPA on September 25, 1995; October 25, 1995; January 22, 1996; April 3, 1996; May 13, 1996; July 11, 1996; July 22, 1996; January 30, 1997; February 11, 1997; May 23, 1997; August 12, 1997; November 4, 1997; December 16, 1997; January 28, 1998; March 24, 1998; July 17, 1998; October 28, 1998; November 18, 1998; April 22, 1999; and March 2, 2000:
- a. Respondents violated **OAC Rule 3745-27-19(C)** by failing to submit monthly and daily waste receipt summaries to Ohio EPA by the 15th day of the month following the reporting period as required by the Facility's authorizing documents.
 - b. Respondents violated **OAC Rule 3745-27-19(E)(4)** by failing to confine unloading of waste materials to the smallest practical area.
 - c. Respondents violated **OAC Rule 3745-27-19(E)(5)** by failing to collect, contain and dispose of scattered litter.
 - d. Respondents violated **OAC Rule 3745-27-19(E)(12)** by failing to complete all of the required entries in the Facility's daily log of operations.
 - e. Respondents violated **OAC Rule 3745-27-19(E)(22)** by failing to deposit solid waste at the working face.
 - f. Respondents violated **OAC Rule 3745-27-19(E)(26)** by failing to maintain the integrity of the engineered components of the sanitary landfill facility and repair any damaged components, including those components installed in accordance with OAC Rule 3745-27-10.
 - g. Respondents violated **OAC Rule 3745-27-19(E)(30)** by accepting for disposal and disposing of whole scrap tires or shredded scrap tires.
 - h. Respondents violated **OAC Rule 3745-27-19(F)** by failing to: 1) apply a minimum of 6 inches of daily cover to all exposed solid waste at the end of

- each working day; 2) cover placed solid waste within 24 hours of disposal; and 3) ensure that cover soil is non-putrescible, not composed of solid waste and does not contain large objects which will interfere with its intended purpose.
- i. Respondents violated **OAC Rule 3745-27-19(G)(1)** by failing to apply an intermediate cover of at least 12 inches in thickness to all filled areas of the Facility where additional solid waste is not to be deposited for at least 30 days.
 - j. Respondents violated **OAC Rule 3745-27-19(J)(4)** by failing to undertake actions as necessary to correct conditions causing ponding or erosion.
 - k. Respondents violated **OAC Rule 3745-27-19(K)(4)** by failing to obtain authorization from the Director of Ohio EPA to store leachate within the limits of waste placement.
 - l. Respondents violated **OAC Rule 3745-27-19(M)** by failing to correctly contour the potentiometric surface map for the uppermost aquifer system in the 1998 Annual Operational Report.
 - m. Respondents violated **OAC Rule 3745-27-19(M)(7)** by failing to incorporate into the 1998 Annual Operational Report a summary of maintenance activities performed on the ground water monitoring system.
11. In correspondence dated August 1, 1996, Ohio EPA notified Respondents that failure to submit the daily and monthly waste receipt summaries to Ohio EPA is a violation of **Condition #10** of the approved **March 20, 1995 PTI No. 03-5721**. Respondents's failure to comply with Condition 10 of the Facility's approved March 20, 1995 PTI is also a violation of **OAC Rule 3745-27-19(C)**.
 12. In correspondence dated January 5, 1998, Ohio EPA notified Respondents of the violation of **OAC Rule 3745-27-19(C)** for failing to operate in accordance with the approved March 20, 1995 PTI No. 03-5721. This violation was cited because the Respondents constructed a ramp consisting of solid waste in an area not approved for waste placement. This violation was initially discovered during a Facility inspection conducted by Ohio EPA on December 16, 1997.
 13. In correspondence dated February 26, 1996; March 19, 1997; April 24, 1997; November 12, 1998; and November 23, 1998, the Crawford County Health Department notified Respondents of the following violations of **OAC Rule 3745-27-19**, which were discovered during inspections of the Facility conducted by the Crawford County Health Department on February 23, 1996; March 17, 1997; April 15, 1997; October 28, 1997; and November 18, 1998:
 - a. Respondents violated **OAC Rule 3745-27-19(E)(4)** by failing to confine

unloading of waste materials to the smallest practical area.

- b. Respondents violated **OAC Rule 3745-27-19(E)(5)** by failing to collect, contain and dispose of scattered litter.
 - c. Respondents violated **OAC Rule 3745-27-19(E)(17)** by failing to comply with all applicable requirements for leachate treatment or disposal.
 - d. Respondents violated **OAC Rule 3745-27-19(F)** by failing to: 1) apply a minimum of 6 inches of daily cover to all exposed solid waste at the end of each working day; 2) cover placed solid waste within 24 hours of disposal; and 3) ensure that cover soil is non-putrescible, not composed of solid waste and does not contain large objects to interfere with its intended purpose.
 - e. Respondents violated **OAC Rule 3745-27-19(J)(4)** by failing to undertake actions as necessary to correct conditions causing ponding or erosion.
14. In correspondence dated November 4, 1999, Ohio EPA notified Respondents of the following violations of **OAC Rule 3745-27-19** and **OAC Rule 3745-27-08** which were initially discovered during a Facility inspection conducted by Ohio EPA and the Crawford County Health Department on October 8, 1999:
- a. Respondents violated **OAC Rule 3745-27-19(G)(4)** by failing to establish a dense vegetative cover to prevent erosion.
 - b. Respondents violated **OAC Rule 3745-27-19(G)** by failing to apply 12 inches of intermediate cover over all areas which will not receive additional waste for a time period of greater than 30 days.
 - c. Respondents violated **OAC Rule 3745-27-19(F)** by failing to apply six inches of daily cover at the end of a day.
 - d. Respondents violated **OAC Rule 3745-27-08(C)(15)(e)** by failing to establish a dense vegetative cover on a section of the closed non-contiguous unit.
 - e. Respondents violated **OAC Rule 3745-27-19(J)(4)** by not preventing erosion.
15. In correspondence dated July 17, 1997 and August 7, 1997, Ohio EPA notified Respondents of the following violations of **OAC Rules 3745-27-60** and **3745-27-78** which were initially discovered during a Facility inspection conducted by Ohio EPA on June 12, 1997:
- a. Respondents violated **OAC Rule 3745-27-60(B)(6)(a)** by storing scrap tire shreds in piles exceeding 2500 square feet in basal area.

- b. Respondents violated **OAC Rule 3745-27-78(C)(1)** by storing tires in any amount prior to use at a beneficial use site, unless the tires are stored in accordance with OAC Rule 3745-27-60(B).
 - c. Respondents violated **OAC Rule 3745-27-78(C)(2)** by storing more than 1000 tires in excess of thirty days.
16. In Director's Final Findings and Orders effective November 20, 1992, Ohio EPA noted in Finding of Fact No. 4(b) that Respondents had disposed of solid waste in a wooded area located on a portion of the North Landfill Unit, which was not approved for solid waste disposal in the Facility's 1969 Operational Plan. Order No. 2 of the 1992 Final Findings and Orders required Respondents to perform ground water monitoring activities in the "Wooded Area (depicted) on the Facility's 1969 Site development drawings." Respondents were required to close the "wooded area" pursuant to **OAC Rule 3745-27-11**, effective June 1, 1994. To date, Respondents have not certified proper closure of the "wooded area," depicted on sheet 3 of 10 of the Crawford County Landfill plan set approved by the Health Department on December 30, 1969 ("December 1969 Plans") in violation of **OAC Rule 3745-27-11**.
16. Plan sheet 4D of the Facility's March 20, 1995 PTI No. 03-5721 depicts the approved lateral and vertical limits of waste placement. In a letter dated October 16, 1997, Ohio EPA clarified the Agency's position regarding the authorized lateral limits of waste placement. The letter stated in part, "The approved lateral limit of waste placement should be established based on the cap/liner tie-in. Ohio EPA expects this limit to be within the limit shown on the majority of the plan drawings in the approved PTI." Based on a review of the 1998 and 1999 Annual Reports, the existing contours on the out slopes of Phase I are on average three to five feet higher than the top of waste contours on plan sheet 4D of the Facility's PTI. In correspondence dated April 14, 1998, Ohio EPA notified Respondents that this overflow of solid waste was a violation of **OAC Rule 3745-27-19(C)**.
17. In correspondence dated April 11, 1997 and March 24, 1998, Ohio EPA notified Respondents of a violation of **OAC Rule 3745-27-19(C)** for a large overflow in the EIPTI area. To date, all of the overflowed solid waste in this area has been removed.
18. In correspondence dated August 16, 2000, Ohio EPA notified Respondents of a violation of **OAC Rule 3745-27-19(C)** for exceeding the Allowable Maximum Daily Waste Receipts on June 1, 2000. This violation was determined after Ohio EPA reviewed the monthly tonnage reports of the Facility.
19. In response to the violations listed above, the Director issued Final Findings and Orders ("June 2001 Orders") to Respondents on June 15, 2001. Respondents have

completed performance of all Orders set forth in the June 2001 Orders except for Orders No. 5, 6, 7, 8 and 9.c.

20. On September 13, 2001, Respondents submitted an Addendum to the Report on Construction Quality Assurance Services For EIPTI Cover. Included in this Addendum as Attachment 2 in Volume 2 was a document entitled the "Southwest Area (Wooded Area) Capping Plan" ("Capping Plan"). This Capping Plan proposed closure activities for the wooded area which are less extensive than the closure activities required under Order No. 7 of the June 2001 Orders. Respondents have requested that Ohio EPA approve the Capping Plan.
21. On September 24, 2001, Respondents informed Ohio EPA that during waste removal activities required under Order No. 6 of the June 2001 Orders, Respondents discovered significant damage to the Phase 1 side slope liner at the Landfill. Subsequent investigation revealed that the damage to the Phase 1 side slope liner was caused by inappropriate operation of the Landfill from approximately 1996 through 1998.
22. In correspondence dated October 24, 2001, Ohio EPA notified Respondents of a violation of **OAC Rule 3745-27-19(E)(26)** for failure to maintain the integrity of the Phase 1 liner system at the Landfill. The Crawford County Health Department notified Respondents of the violation of **OAC Rule 3745-27-19(E)(26)** for failure to maintain the integrity of the Phase 1 side slope liner in correspondence dated January 3, 2002, and February 11, 2002.
23. On December 14, 2001, Ohio EPA received a document from North Point Engineering submitted on behalf of Respondents entitled, "Assessment and Repair Plan Phase 1 Base Liner System," which was dated December 12, 2001. Attachment B of this submittal includes an alteration request for use of alternative daily covers during Phase 1 side slope liner repair activities.
24. Respondents submitted an additional request for an alteration on January 17, 2001, which included, among other things, a proposal for the installation of larger leachate holding tanks at the Landfill. In correspondence dated July 18, 2001, Ohio EPA sent Respondents a Notice of Deficiency ("NOD") informing Respondents that the portion of the January 17, 2001, alteration request pertaining to the installation of a larger leachate holding tank at the Landfill was acceptable but that the remainder of the alteration request contained deficiencies which would need to be addressed.
25. In correspondence dated June 19, 2002, Ohio EPA notified Respondents of the following violations of **OAC Rule 3745-27-19** which were discovered during inspections of the Facility conducted by Ohio EPA on May 13, 2002, and May 23, 2002:

- a. Respondents violated **OAC Rule 3745-27-19(C)** by placing waste in the southern portion of Phase 2 of the Landfill prior to performing required preparation of the Phase 2 area and submitting required notification to Ohio EPA.
 - b. Respondents violated **OAC Rule 3745-27-19(E)(26)** by damaging the geotextile while removing the protective layer in the Phase 2 area of the Landfill.
26. Respondents submitted a "Phase II Cell; Southern Portion Proposed Plan of Development" dated May 20, 2002, and an addendum to the plan entitled, "Phase II Cell; Southern Portion Revised Repair and Development Plan" dated May 30, 2002, to address the violations of OAC Rule 3745-27-19 noted during the May 13, 2002, and May 23, 2002 inspections.
27. In correspondence dated July 3, 2002, Ohio EPA notified Respondents of the following violation of **OAC Rule 3745-27-10** which was discovered during Ohio EPA's review of the March 2002 Annual Sampling Event Report for the Facility submitted by Respondents:
 - a. Respondents violated **OAC Rule 3745-27-10(D)(5)(a)(iii)** by failing to timely perform statistical analysis of the September 2001 and March 2002 ground water quality data for MW-7R.
28. In correspondence dated July 23, 2002, Ohio EPA notified Respondents of the following violations which were noted during an inspection of the Facility conducted by Ohio EPA on July 11, 2002:
 - a. Respondents violated **OAC Rule 3745-27-19(E)(12)** by failing to record in the daily log of operations all solid waste brought into the Facility by Crawford County and townships located within Crawford County from at least 1990 to the present.
 - b. Respondents violated **ORC Section 3734.57(A)** and **OAC Rule 3745-28-02** by failing to remit required fees to Ohio EPA for all solid waste disposed of at the Facility by Crawford County and townships located within Crawford County from at least 1990 to the present.
30. During an inspection of the Facility on October 2, 2002, Ohio EPA observed the removal of a haul road from atop the Phase 1/Phase 2 tie-in. Upon closer inspection, it became apparent that a portion of the landfill under the roadway was constructed without the required leachate collection system aggregate, despite the fact it had been certified as a continuous and compliant leachate collection system in the December 1999 Construction Certification Report for Phase 2.

31. Through correspondence dated October 9, 2002, and October 18, 2002, and through a meeting held October 15, 2002, Respondent acknowledged that a portion of the leachate collection was not constructed as reported in the Phase 2 Construction Certification Report dated December 1999.
32. It appears that the entire tie-in between Phase 2 and Phase 1C was constructed without a continuous leachate collection system. The area missing the required drainage aggregate is approximately 12 feet by 500 feet. Approximately 150 feet of the non-compliant liner system is accessible. Approximately 350 feet of the non-compliant liner system is buried under solid waste.
33. In correspondence dated November 13, 2002, Ohio EPA notified Respondent of the violation of OAC Rule 3745-27-19(C) for not following Respondent's permit with respect to the failure to install a continuous leachate collection system at the tie-in between Phase 2 and Phase 1C.
34. During inspections of the Facility on February 18 and March 7, 2003, Ohio EPA observed that leachate was being stored in Cells 1 and 2. The Facility does not have authorization to store leachate in Cell 1 or Cell 2. As a result, in correspondence dated March 25, 2003, Ohio EPA notified Respondent of the violation of OAC Rule 3745-27-19(K)(4).

V. ORDERS

The Director's Final Findings and Orders issued to Respondents on June 15, 2001, are hereby superseded by these Orders. Respondents shall achieve compliance with ORC Chapter 3734. and the regulations promulgated thereunder according to the following schedule:

1. Immediately upon the effective date of these Orders, Respondents shall ensure that either the landfill manager or an assistant landfill manager is present at the Facility during all hours that the Facility is open to accept solid wastes. The landfill manager and assistant landfill managers shall log into and out of the Facility in a sign-in log in order to indicate when they are present at the Facility.

The landfill manager and assistant landfill managers shall have received training regarding, and be thoroughly knowledgeable of, the operational requirements of OAC Rule 3745-27-19, be thoroughly knowledgeable of the Facility's authorizing documents, including the Facility's March 20, 1995 PTI No. 03-5721, and have decision making authority with respect to the day to day operations of the Facility. Within one hundred (100) days after the effective date of these Orders, Respondents shall provide documentation to Ohio EPA which confirms that the landfill manager and assistant

landfill managers have completed the training required by this Order. Respondents shall also provide to Ohio EPA upon request a copy of the sign-in log used by the landfill manager and/or assistant landfill managers to log into and out of the Facility.

2. Within thirty (30) days after the effective date of these Orders, Respondents shall obtain the consulting services of one or more experienced landfill managers or operators who are currently operating a licensed sanitary landfill facility, other than the landfill manager or assistant landfill managers for the Facility, to assist in achieving and maintaining compliance with applicable laws and authorizing documents, including the development and implementation of standard operating procedures for the Facility. Respondents shall expend at least \$10,000.00 over the course of three years following the effective date of these Orders to obtain these outside consulting services.
3. Within thirty (30) days after the effective date of these Orders, Respondents shall obtain the services of a registered professional engineer retained by Respondents to provide engineering assistance to the Facility on an as needed basis, to assist the landfill manager during the planning and the construction of all critical stages of phase development at the Facility, and to assist Facility employees in maintaining compliance with the approved permits, plans, specifications and operating procedures.

At a minimum, the registered professional engineer retained by Respondents shall be at and log into the Facility at least once every week, or more often as needed, including during construction of all critical stages of phase development at the Facility, for operational guidance concerning the construction, operation and closure of the Facility unless otherwise agreed to by Ohio EPA in writing, which agreement shall not be unreasonably withheld. The registered professional engineer shall log into and out of the Facility in a sign-in log in order to indicate when present at the Facility. Respondents shall also provide to Ohio EPA upon request a copy of the sign-in log used by the registered professional engineer to log into the Facility.

The registered professional engineer required to be retained by Respondents under this Order shall not include the Crawford County Engineer or an engineer employed by the Crawford County Engineer.

4. Beginning thirty (30) days after the effective date of these Orders and continuing for a period of not less than one year from the effective date of these Orders, Respondents shall submit monthly reports to the Ohio EPA, unless specified in writing from Ohio EPA. These reports shall contain, at a minimum, the following information:
 - a. A narrative summary describing Respondents' efforts to comply with these Orders;
 - b. A narrative description of Respondents' efforts to maintain compliance

with the Facility's authorizing documents and all applicable regulations, including but not limited to:

- i. A narrative description of Respondents' efforts to maintain the smallest practical working face at the Facility,
 - ii. A narrative description of Respondents' efforts to monitor, maintain and remedy erosion, ponding and deterioration of the engineered components of the Facility,
 - iii. A narrative description of Respondents' efforts to maintain adequate daily and intermediate cover at the Facility, and
 - iv. A narrative description of Respondents' efforts to ensure proper handling of yard waste, maintenance of the daily log of operations and submission of all required fees to Ohio EPA for solid waste disposed of at the Facility.
5. Respondents shall repair the vegetative cover and the recompacted soil barrier layer of the EIPTI Area located in the North Landfill Unit. The areas of the final cap system that are to be repaired are defined in Appendix A of these Orders, which is attached hereto and incorporated herein. The repair procedures shall be completed in accordance with PTI No. 03-5721 and OAC Rule 3745-27-08 and be sufficient to allow for the areas of concern to be certified in accordance with Order No. 7 of these Orders. Respondents shall complete the repairs required by this Order by no later than December 1, 2003.
6. Respondents shall close the "wooded area" in accordance with the Capping Plan referenced in Finding of Fact 21 of these Orders. Respondents shall complete closure of the "wooded area" in accordance with the Capping Plan by no later than December 1, 2003.
7. By January 1, 2004, Respondents shall submit an addendum to the "Report On Construction Quality Assurance Services for EIPTI Cover" certifying the completion and adequacy of the repairs to the final cap system in the EIPTI Area and the final closure of the entire North Landfill Unit in accordance with OAC Rule 3745-27-08(H) and OAC Rule 3745-27-11(J).
8. Respondents shall initiate the assessment and repair work of the Phase 1 side slope liner system in accordance with the document referenced in Finding of Fact 24 of these Orders with the exception that the entire Phase 1 side slope liner system shall be exhumed, assessed, repaired/replaced, and re-certified in accordance with the protocols that are established in the plan referenced in Finding of Fact 24 for the Phase 1A liner system. Additionally, since the geocomposite will need to be removed

entirely in order to complete a thorough assessment of the Flexible Membrane Liner, the geocomposite shall be replaced entirely throughout all of Phase 1. Respondents shall complete the work required by this Order by no later than December 1, 2003.

9. Respondents shall submit a certification report in accordance with OAC Rule 3745-27-08(H) for the work performed in Order No. 8 of these Orders by no later than January 15, 2004.
10. Ohio EPA hereby approves the alteration request for temporary use of alternative daily covers in Phase 1 during waste exhuming activities as described in Attachment B of the submittal referenced by Finding of Fact 24 of these Orders for a period of up to fourteen (14) days following installation unless otherwise agreed to by Ohio EPA in writing, which agreement shall not be unreasonably withheld.
11. Respondents shall complete the Phase 1 capping project in accordance with PTI No. 03-5721 by no later than December 1, 2004. Respondents shall grade and seed the western slope of the Facility before July 1, 2003, and as necessary to prevent erosion of the western slope.
12. Within sixty (60) days after the effective date of these Orders, Respondents shall reply to the July 18, 2001, NOD referenced by Finding of Fact 25. Respondents shall install upgraded/larger leachate holding tanks deemed acceptable to Ohio EPA and certify them in accordance with OAC Rule 3745-27-08(H) by no later than December 1, 2003. The upgrades shall at a minimum provide tank capacity and a revised pump design to maintain compliance with OAC Rule 3745-27-19(K)(4). Respondents shall maintain and operate the leachate collection system and the new leachate holding tank in accordance with all applicable rules, the effective PTI, and in a manner which ensures that the measured leachate head level is less than 12" at each sump location.
13. Within sixty (60) days after the effective date of these Orders, Respondents shall submit to Ohio EPA the statistical analysis for MW-7R required by Ohio EPA's correspondence dated July 3, 2002, as referenced in Finding of Fact No. 28 of these Orders.
14. Respondents shall perform the following measures in settlement of Ohio EPA's claims for civil penalties which may be assessed pursuant to ORC Chapter 3734:
 - a. Within thirty (30) days after the effective date of these Orders, Respondents shall pay Ohio EPA the amount of \$20,000.00 for deposit in the Hazardous Waste Clean-up Fund created under ORC Section 3734.28. Payment shall be made by tendering a certified check for \$20,000.00 to Ohio EPA, Office of Fiscal Administration, P.O. Box 1049, Columbus, Ohio 43216-1049, and shall be made payable to "Treasurer, State of Ohio."

- b. Beginning this year and continuing annually thereafter for a period of four (4) years, Respondents shall arrange and pay for mosquito treatments at a facility known as Moyer's Auto Wrecking, Inc., which is located at 735 Bauer Avenue, Crestline, Ohio. The mosquito treatments required by this paragraph shall be performed in accordance with the requirements of OAC Rule 3745-27-60(B)(8)(b), and Respondents's obligation to pay for mosquito treatments under this paragraph shall not exceed \$24,080.00. Each time a mosquito treatment required under this paragraph is made, Respondents shall provide Ohio EPA with a copy of the invoice and receipt for that mosquito treatment within thirty (30) days after the completion of that mosquito treatment.

- c. Within thirty (30) months after the effective date of these Orders, Respondent shall pay Ohio EPA the amount of \$90,000.00 for deposit in the Hazardous Waste Clean-up Fund created under ORC Section 3734.28 except as provided below:
 - i. Respondent may deduct from the \$90,000.00 owed, expenses allowed pursuant to this paragraph 14.c. for "Clean Crawford County Day" events and payments to the County Line Landfill Closure Trust Fund.

 - ii. "Clean Crawford County Day" events shall comply with the following requirements:
 - A. Respondent shall make arrangements for the collection, transportation and disposal of bulk solid waste and scrap tires at facilities legally authorized to dispose of such wastes during a Clean Crawford County Day event.

 - B. Respondent shall accept for collection and disposal during a Clean Crawford County Day event only bulk solid wastes and scrap tires. Respondent shall not accept for collection or disposal any yard wastes, infectious wastes or hazardous wastes. Respondent shall not charge a fee for the collection, transportation and disposal of bulk solid wastes and scrap tires during a Clean Crawford County Day event.

 - C. Respondent may sponsor two Clean Crawford County Day events during calendar year 2003 and two such events during calendar year 2004.

 - D. Each Clean Crawford County Day event shall take place

on a weekend and during times when the Crawford County Landfill is not open for business. Respondent shall not accept for disposal solid wastes, other than bulk solid wastes and de minimis amounts of other solid wastes incidental to loads of bulk solid wastes, during a Clean Crawford County Day event.

- E. Respondent shall provide Ohio EPA with written notice at least fourteen (14) days before a Clean Crawford County Day event occurs and shall provide Ohio EPA with access to the Crawford County Landfill and all collection sites during a Clean Crawford County Day event. In addition, to the extent Respondent believes that it may exceed its authorized maximum daily waste receipt ("AMDWR") during a Clean Crawford County Day event, Respondent shall submit a written request at least fourteen days before a Clean Crawford County Day event for a temporary exceedence of its AMDWR.
 - F. Respondent shall reimburse Ohio EPA for Agency expenses incurred in overseeing Clean Crawford County Day events within thirty (30) days of receipt of an invoice for such oversight costs.
 - G. Allowable expenses for a Clean Crawford County Day event include reasonable and customary advertising costs not to exceed \$4,000.00, reasonable and customary solid waste and scrap tire collection and transportation costs, solid waste disposal costs at \$30.00 per ton, scrap tire disposal costs at \$1.00 per scrap tire, Ohio EPA oversight costs and applicable solid waste disposal fees.
 - H. Respondent shall provide Ohio EPA with copies of all invoices, receipts and other supporting documentation for allowable expenses for a Clean Crawford County Day event within fourteen (14) days of each event.
- iii. Payments made to the County Line Landfill Closure Trust Fund, (Account Number 8100), established on December 1, 1995, by and between the John B. Stahl, Executor of the Estate of Henry G. Stahl, the Croghan Colonial Bank, and Ohio EPA, shall be mailed and addressed to:

Croghan Colonial Bank Trustee
FBO Henry G. Stahl
323 Croghan Street
Fremont, Ohio 43420

Respondent shall submit a copy of all trust deposits to Ohio EPA Legal,
Attn: Jeff Hurdley, P.O. Box 1049, Columbus, Ohio 43216-1049 within
seven days after making a deposit.

15. Within 30 days after the effective date of these Orders, Respondent shall carefully remove the remaining soil from the 150 foot length of the Phase 2/Phase 1C tie-in that is not buried under solid waste. After thorough inspection of the cushion geotextile in the presence of a representative from Ohio EPA, Respondent shall replace the soil with a leachate collection system drainage media which satisfies the specifications of PTI No. 03-5721 and in a manner consistent with the QA/QC plan methodologies required by PTI No. 03-5721.
16. Within 60 days after the effective date of these Orders, Respondent shall submit a certification report documenting the construction of the leachate collection system constructed in accordance with Order No. 15 of these Orders.

VI. TERMINATION AND SATISFACTION

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

This 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 Respondents to Ohio EPA and shall be signed by the Crawford County Commissioners.

VII. OTHER CLAIMS

Nothing in these Orders shall constitute or be construed as a release from any claim, cause of action or demand in law or equity against any person, firm, partnership, or corporation not a party to these Orders, for any liability arising from, or related to, the operation of Respondents' Facility.

VIII. OTHER APPLICABLE LAWS

All actions required to be taken pursuant to these Orders shall be undertaken in accordance with the requirements of all applicable local, state and federal laws and regulations. These Orders do not waive or compromise the applicability and enforcement of any other statutes or regulations applicable to the Respondents.

IX. MODIFICATIONS

These Orders may be modified by mutual 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. In the event of a sale of the Facility to a new operator, Respondents may request that the time frames set forth in Section V of these Orders be adjusted to enable any new operator sufficient time to implement the activities required by these Orders. Any agreement to an extension of time shall not be unreasonably withheld.

X. NOTICE

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

Ohio Environmental Protection Agency
Northwest District Office
Division of Solid and Infectious Waste Management
347 North Dunbridge Road
Bowling Green, OH 43402
Attn: Environmental Supervisor, DSIWM

and

Crawford County Health Department
Attn: Health Commissioner
112 East Mansfield St.
Courthouse
Bucyrus, OH 44820

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

XI. WAIVER AND RESERVATION OF RIGHTS

In order to resolve disputed claims, without admission of fact, violation or liability, and in lieu of further enforcement action by Ohio EPA for only the violations specifically cited in these Orders, Respondents consent to the issuance of these Orders and agree to comply with these Orders. Compliance with these Orders shall be a full accord and satisfaction for Respondents' liability for the violations specifically cited herein except that Ohio EPA expressly reserves the right to pursue all legal and equitable relief against Respondents as a result of Respondents' violation of ORC Section 3734.57 and OAC 3745-28-02 as discussed in Finding of Fact No. 29 of these Orders.

Respondents hereby waive the right to appeal the issuance, terms and conditions, and service

of these Orders, and hereby waive any and all rights they may have to seek administrative or judicial review of these Orders either in law or equity.

Notwithstanding the preceding, Ohio EPA and Respondents each reserve all rights, privileges and causes of action, except as specifically waived in this section. In particular, Ohio EPA and Respondents agree that if these Orders are appealed by any other party to the Environmental Review Appeals Commission, or any court, Respondents retain the right to intervene and participate in such appeal. In such an event, Respondents shall continue to comply with these Orders notwithstanding such appeal and intervention unless these Orders are stayed, vacated or modified.

XII. SIGNATORIES

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 this document.

IT IS SO ORDERED AND AGREED:

Christopher Jones, Director
Ohio Environmental Protection Agency

IT IS SO AGREED:

Crawford County Commissioners

By: _____
Crawford County Commissioner

Date

By: _____
Crawford County Commissioner

Date

By: _____
Crawford County Commissioner

Date