

OHIO E.P.A.

JUL 16 2001

ENTERED DIRECTOR'S JOURNAL

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BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

IN THE MATTER OF:

Republic Services of Ohio II, LLC

Countywide Recycling and Disposal Facility :
3619 Gracemont Street S.W.
East Sparta, Ohio 44626

Director's Final
Findings and Orders

Pursuant to Ohio Revised Code (ORC) Section 3734.02(G), the Director of Environmental Protection hereby makes the following Findings and issues the following Orders.

FINDINGS

1. On March 30, 1995, the Ohio Environmental Protection Agency (Ohio EPA) issued Permit-to-Install (PTI) Number 02-6645 to Waste Management of Ohio, Inc. (WMO) authorizing the expansion of its Countywide Recycling and Disposal Facility (Facility). The facility is an operating sanitary landfill located in Stark County.
2. Plan Sheet 6F of PTI Number 02-6645 contains the *Final' Capping Sequencing Development Plan* which divides the construction of the final cap into three separate capping sequences. The areas of capping sequence 1,2, and 3 are approximately 31 .0 acres, 27.5 acres and 31.5 acres, respectively.
3. Ohio Administrative Code (OAC) Rule 3745-27-1 9(H) states, in part: "The owner or operator shall construct the final cap system when a phase has reached approved final elevations of solid waste placement." According to this rule, the owner or operator must construct a cap system or place interim final cover over the phase.
4. The Facility is currently at or near final grades in the areas to be capped under capping sequence 1.
5. On January 23, 1998, Ohio EPA issued a variance to WMO that delayed the placement of the interim final cover or a final cap system over areas of capping sequence 1. That variance expired on June 1, 2001.
6. By document dated April 20, 2001, the consultant for Republic Waste Services of Ohio II, LLC (RSO) -the current owner of the Facility – requested to further delay

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official document as filed in the records of the Ohio
Environmental Protection Agency

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the placement of the interim final cover or a final cap system over the entire Facility. As part of the request, RSO stated the following reasons for delaying final cap construction:

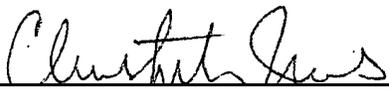
- a. On February 14, 2001, RSO submitted a PTI application that proposes a vertical expansion over the entire existing facility. RSO would rather not construct a final cap system only to remove it shortly afterward if the vertical expansion is approved.
 - b. The Facility currently has a well established intermediate cover layer in place. The layer consists of 18 inches of low permeability soil with good vegetative cover. Also, the entire Facility is underlain by an liner/leachate collection system approved by Ohio EPA.
 - c. The delay of final cap construction will avoid unnecessary construction traffic in addition to avoiding more noise and air pollution.
 - d. Leaving the intermediate cover in place will reduce the potential for leachate seeps and instability for the proposed vertical expansion, if approved.
7. Pursuant to ORC Section 3734.02(G), the director may, by order, exempt any person generating, storing, treating, disposing of, or transporting solid waste 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 permit or license or comply with any other requirements of ORC Chapter 3734.
8. Because the Facility has a well established intermediate cover layer in place, and because the Facility is completely underlain by a liner/leachate collection system, and because the Facility's owner or operator must comply with all the following orders, issuance of an exemption from the requirement to place final cover or interim final cover on areas of capping sequences 1 and 2 is unlikely to adversely affect the public health or safety or the environment.

ORDERS

9. Pursuant to ORC Section 3734.02(G), RSO is hereby exempted from the requirement of OAC Rule 3745-27-1 9(H) to place final cover or interim final cover on areas of capping sequences 1 and 2 of the Facility when the areas of those sequences have reached the approved final elevations,

2. RSO must place a minimum 18-inch layer of intermediate cover meeting the specifications in OAC Rule 3745-27-1 9(G) in all areas which reach final grade after the effective date of these orders, and must establish and maintain vegetation in all areas which are at final grade.
3. The exemption granted in order number 1, above, will expire on June 1, 2003. At that time, RSO must comply with the requirements of OAC Rule 3745-27-19(H).
4. Notwithstanding order number 3, above, the exemption granted in order number 1, above, will immediately expire if the facility is required to close pursuant to OAC Rule 3745-27-1 I(C).
5. Nothing in these findings and orders shall be construed to authorize any waiver from the requirements of any other applicable state solid waste law or regulation, except as specified herein. This authorization shall not be interpreted to release RSO 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 laws for remedying conditions resulting from any release of contaminants to the environment.
6. If delaying construction of final or interim final cover over capping sequence 1 or 2 proves to be unsatisfactory to Ohio EPA or unprotective of public health or safety or the environment, these orders may be revoked upon written notification.

IT IS SO ORDERED:



Christopher Jones, Director