



State of Ohio Environmental Protection Agency

STREET ADDRESS:

Lazarus Government Center
50 W. Town St., Suite 700
Columbus, Ohio 43215

TELE: (614) 644-3020 FAX: (614) 644-3184
www.epa.state.oh.us

MAILING ADDRESS:

P.O. Box 1049
Columbus, OH 43216-1049

February 21, 2008

Mr. William Franks
Health Commissioner
Stark County Health Department
3951 Convenience Circle, N.W.
Canton, Ohio 44718-2660

RE: Countywide Landfill – Update on Site Conditions and License Issues

Dear Bill:

On November 7, 2007, I wrote you regarding conditions at the Countywide Landfill (“Countywide”) and shared with you my thoughts regarding the licensing issues facing you at that time. In my letter, I discussed FML integrity issues and indicated that I could not say at the time that the integrity of the FML had been affected but that my staff was continuing “to carefully scrutinize and re-scrutinize a wealth of data, both new, and old, to see if there is any evidence of a liner breach.” I also indicated that we intended to gather additional information that could shed light on whether the integrity of the FML and other engineered components had been affected.

Since that time, my staff and experts have performed additional investigation and data analysis. Based upon this information, Ohio EPA has concluded that the evidence supports a finding that the integrity of some of the engineered components at the Countywide Landfill (most notably the FML underlying the south slope of the facility) has been adversely affected. Further, given conditions at the landfill, Ohio EPA plans to work with Countywide to evaluate whether it is prudent or practical to repair any or all of these impacted components. Consequently, my staff has sent Republic Services of Ohio II, LLC a Notice of Violation (“NOV”) regarding the integrity of the engineered components at the landfill. A copy of this NOV is enclosed for your convenience.

Notwithstanding Ohio EPA’s belief that a violation of Ohio Administrative Code 3745-27-19(E)(1)(c) is occurring at Countywide, I must emphasize, as I did at the public meeting in November that Ohio EPA believes that the geology underlying the Countywide site is

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

Mr. William Franks, Health Commissioner
Stark County Health Department
Page 2

very favorable because any potential leakage from the landfill will be closely contained and readily captured.

You and I have recently discussed the issue of whether the matter of Countywide should be referred to the Ohio Attorney General's Office. As we discussed, both the Stark County Health Department and Ohio EPA have the statutory authority to refer the matter to and request the assistance of the Attorney General. After careful consideration, I have decided to refer this matter to the Attorney General of Ohio for counsel, assistance, and any appropriate action with respect to the mediation ordered by Stark County Common Pleas Judge Reinbold. I understand you are considering referring the licensing actions you have undertaken to the Office of the Attorney General.

As you know, I have tried to keep you updated on Ohio EPA's perception of conditions at the landfill so that you could consider such information in exercising your oversight and licensing functions. I hope you find this information helpful, and I encourage you to consider this information as you weigh any present and future licensing decisions with respect to the Countywide Landfill. Although I have so stated many times, it may bear worth repeating that my primary focus has been and will continue to be the abatement of the fire and the resulting odors which continue to plague the landfill's neighbors. Countywide is currently in the process of placing two of the large extraction wells which are intended to remove liquid from the landfill, with two more to be placed a later date, and I will be closely monitoring this activity. We are also closely working with U.S. EPA at this site, and I am finding their assistance and efforts to be extremely helpful.

If you have any questions regarding this matter, please do not hesitate to call me.

Sincerely,



Chris Korleski, Director
Ohio EPA