

OHIO E.P.A.

DEC -6 2007

ENTERED DIRECTOR'S JOURNAL

**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**



In the Matter Of:

Republic Services of Ohio II, LLC
dba Countywide Recycling and
Disposal Facility
110 S.E. 6th Street
Ft. Lauderdale, FL 33301

Director's Final Findings
and Orders

Respondent

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to Republic Services of Ohio II, LLC, dba Countywide Recycling and Disposal Facility ("Respondent") pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code Sections 3734.13 and pursuant to Section V. Paragraph 9 of the March 28, 2007 Director's Final Findings and Orders.

II. PARTIES BOUND

These Orders shall apply to and be binding upon Respondent and its successors in interest liable under Ohio law. No change in ownership of Respondent or of the Facility (as hereinafter defined) shall in any way alter Respondent'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 Chapters 3734 and the rules promulgated thereunder.

- A. The term "explosive gas extraction well" (EGEW) shall mean any well or any other engineered structure installed within the waste mass that is capable of transmitting or collecting landfill gas.

**I certify this to be a true and accurate copy of the
official documents as filed in the records of the Ohio
Environmental Protection Agency.**

By:  Date: 12-6-07

IV. FINDINGS

The Director of Ohio EPA has determined the following findings:

1. Countywide Recycling and Disposal Facility ("Facility") is located at 3619 Gracemont Street SE, East Sparta, Stark Countywide, Ohio.
2. Respondent is the "owner" and "operator of the Facility as those terms are defined in Ohio Administrative Code ("OAC") Rule 3745-27-01(O)(7) and (O)(5), respectively, and is also the license holder for the Facility.
3. The Facility is a "sanitary landfill facility" as that term is defined under OAC Rule 3745-27-01(S)(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(S)(24). On June 2, 2003 the Director issued to Respondent an expansion permit to install #02-14796.
4. Respondent is a "person" as that term is defined in ORC Section 3734.01(G) and in OAC Rule 3745-27-01(P)(3).
5. The Facility is a "municipal solid waste landfill" or "MSW landfill" as defined in 40 CFR 60.751. The Facility is an "air contaminant source" as defined in OAC Rules 3745-31-01(I) and 3745-15-01(C) and (W). The Facility is subject to the requirements of permit to install modification #15-01391 issued by the Director to Respondent on May 10, 2005, and a Title V operating permit issued by the Director to Respondent on August 30, 2004. Respondent is the permittee, under, and permit holder of, those permits.
6. Ohio EPA issued Director's Final Findings and Orders to Respondent on March 28, 2007 (March 2007 Orders). The March 2007 Orders required Respondent to complete certain actions to control a subsurface fire and offensive odors coming from the Facility. Pursuant to Section V. Paragraph 9 of the March 2007 Orders, the Director may select "a remedial action, or any combination of remedial actions" to extinguish the subsurface fire at the Facility. Pursuant to Section XVII. of the March 2007 Orders, Respondent waived "the right to appeal the issuance, terms and conditions, and service of the (March 2007) Orders, including but not limited to any rights" it may have to appeal "final actions issued by Ohio EPA pursuant to these (March 2007) Orders" selecting remedial actions.
7. On October 1, 2007, the Director of Ohio EPA selected an interim remedial action consisting of a fire break between Cells 8(A) and 8(B) at the Facility. The purpose of that remedial action was to cut off the potential spread of the fire at the Facility and thus limit the area of concern for purposes of subsequent remedial actions aimed at extinguishing the fire.
8. On November 7, 2007, the Director selected the first in a series of remedial actions aimed at extinguishing the fire at the Facility ("the November 2007 Orders"). The

November 2007 Orders were specifically designed to reduce liquid in the EGEWs and the waste mass that is perpetuating the rapid oxidation of the aluminum production waste and releasing significant amounts of heat.

9. Respondent has been implementing the November 2007 Orders, but has encountered conditions at the Facility which indicate that some of the provisions of the November 2007 Orders may need to be altered in view of the newly-discovered conditions at the Facility, or may need to be enhanced to require more work than was required under the November 2007 Orders; and as a result, some of the time frames found in the November 2007 Orders may need to be modified. In particular, Respondent has found that the recharge behavior of liquid in certain EGEWs is very high.
10. In light of information obtained as a result of implementation of the November 2007 Orders, the Director has determined that the November 2007 Orders should be modified.

V. ORDERS

The November 2007 Orders are hereby modified as follows:

1. The time frames for compliance found in Paragraphs 2, 3, 4, and 5 of Section V of the November 2007 Orders are hereby suspended to allow for a meeting between Ohio EPA and Respondent to discuss the following:
 - a. Information regarding conditions at the Facility, especially the recharge rate of liquid in the EGEWs, and other issues that affect Respondent's ability to comply with the provisions of Paragraphs 2, 3, 4, and 5 of the November 2007 Orders; and
 - b. How the requirements of the November 2007 Orders could be enhanced in light of the information discussed above in Paragraph 1.a. of Section V of these Orders.

The meeting between Ohio EPA and Respondent shall occur within three (3) business days after the effective date of these Orders. Following the meeting, Ohio EPA may provide Respondent with a letter containing Ohio EPA's understanding of how the provisions of Paragraphs 2, 3, 4, and 5 of the November 2007 Orders could be further modified to require enhanced work in light of conditions at the Facility. Respondent shall provide Ohio EPA with any comments it has regarding potential further modifications within three (3) days after the date of Ohio EPA's letter to Respondent.

2. All other provisions of the November 2007 Orders shall remain unchanged and in full force and affect.

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, Respondent's 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 Respondent or the Facility.

Where any portion of the work required by these Orders requires a permit or approval, Respondent shall timely submit applications and take all other actions necessary to obtain such permits or approvals. Except as expressly provided herein, these Orders are not, and shall not be construed to be, a permit, exemption or variance issued pursuant to any statute or rule.

IX. NOTICE

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

Ohio Environmental Protection Agency
Central Office
Division of Solid and Infectious Waste Management
Attn: DSIWM Enforcement Coordinator
PO Box 1049
Columbus, Ohio 43216-1049

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

X. RESERVATION OF RIGHTS

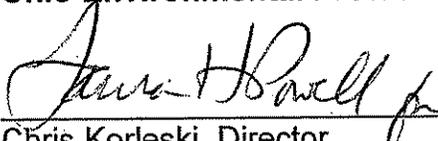
Nothing contained herein shall be construed to prevent Ohio EPA from seeking legal or equitable relief to enforce the terms of these Orders or from taking other administrative, legal or equitable action as deemed appropriate and necessary, including seeking penalties against Respondent for noncompliance with these Orders. Nothing contained herein shall be construed to prevent Ohio EPA from exercising its lawful authority to require Respondent to perform additional activities pursuant to the March 2007 Orders, ORC Chapters 3734, 3704, or any other applicable law in the future.

XI. EFFECTIVE DATE

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

IT IS SO ORDERED:

Ohio Environmental Protection Agency


Chris Korleski, Director