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Issuance Date: JUN 03 2014

Effective Date: JUN 03 2014

By: Donna Cassiter Date: 6-3-14

**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

In the Matter of:

Coshocton Landfill, Inc.
19469 County Road No 7
Coshocton, Ohio 43812

Director's Final Findings
and Orders

OHIO E.P.A.
JUN - 3 2014
DIRECTOR'S JOURNAL

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to Coshocton Landfill, Inc., a subsidiary of Waste Management, pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("ORC") Sections 3734.02(A) and (G) and Ohio Administrative Code ("OAC") Rules 3745-27-03(B) and (C).

II. PARTIES BOUND

These Orders shall apply to and be binding upon Coshocton Landfill, Inc. and successors in interest liable under Ohio law. No change in ownership of Coshocton Landfill, Inc., or Coshocton Landfill as hereinafter defined, shall in any way alter Coshocton Landfill, Inc.'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. Coshocton Landfill, Inc., ("the Owner") is the owner of property ("the Property") located at 19469 County Road 7, Coshocton, Coshocton County, Ohio. The Property includes Coshocton Landfill ("Facility"), a sanitary landfill facility as that term is defined in OAC Rule 3745-27-01(S)(4).
2. On January 17, 2014, the Owner submitted a plan ("Plan"), dated January 14, 2014, for the indefinite cessation of routine waste acceptance at the Facility. Revisions to

the plan, dated February 7, 2014, were received on February 9, 2014. Based on the current business plan for the Facility, the Owner proposes to accept one load of waste per year in order to avoid triggering mandatory closure requirements. To do this, the plan proposes exemptions and a variance from certain solid waste requirements.

3. Pursuant to ORC Section 3734.02(G) and OAC Rule 3745-27-03(B), the Director, by order, may exempt any person generating, collecting, storing, treating, disposing of, or transporting solid wastes 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 of ORC Chapter 3734 or any rules adopted thereunder.
4. The Owner has requested an exemption from OAC Rule 3745-27-09(C), which requires that the operating record for a sanitary landfill facility be located at the sanitary landfill facility. The Owner has requested to relocate the Facility's operating record to Suburban Landfill for storage and maintenance. This alternate location is easily accessible to Ohio EPA and the operating record can be made readily available to the Coshocton County Health Department, if necessary.
5. Due to the remote location of the Facility and the relocation of Facility employees to other landfills, the Facility and all records kept at the Facility are susceptible to vandalism. Therefore, granting an exemption from the requirement to keep the operating record at the Coshocton Landfill will allow the Owner to move the operating record to a more secure location.
6. The Owner has requested an exemption from OAC Rule 3745-27-19(E)(10)(a), which requires the Owner to keep a daily log of operations of the Facility. The daily log includes information related to waste acceptance and Facility inspections.
7. The daily acceptance of waste ceased at the Facility on January 31, 2014. Since waste will not be accepted on a daily basis at the Facility, there will be no waste records to include in the daily logs. Additionally, because the Owner intends to conduct weekly inspections rather than daily inspections as noted in Findings 9 and 10, there will be no Facility inspection information to include in the daily logs. Daily logs would still be completed for any day that waste is accepted and on any days when a Facility inspection is conducted.
8. Pursuant to ORC Section 3734.02(A), the Director may grant a variance if he determines that the construction, operation, closure activities, and/or post-closure activities in the manner approved by the variance and any terms or conditions imposed as part of the variance will not create a nuisance or hazard to public health or safety or the environment and are unlikely to result in a violation of any other

requirements of ORC Chapters 3704, 3714, and 6111 and rules adopted thereunder.

9. The Owner has requested an exemption from OAC Rule 3745-27-19(E)(11)(a), which requires that the Owner inspect the Facility at least daily for ponding, erosion, and leachate outbreaks. The Owner has, instead, proposed to inspect the Facility at a frequency of not less than once per week. Although the Owner requested an exemption, a variance is the appropriate mechanism to grant the relief requested by the Owner.
10. The Plan submitted January 17, 2014 and revised February 9, 2014 outlines, in detail, how the Owner will maintain the integrity of the Facility and manage leachate. The Owner will continue to inspect the Facility and complete the Municipal Solid Waste Landfill Facility Daily Log of Operations, Form 3 and Form 4. Completed inspection forms will be submitted to Ohio EPA and the Coshocton County Health Department on a monthly basis.
11. In addition to the exemptions requested as noted in Findings 4 and 6, the Owner also requested an exemption from Permit Condition 12.a. of Coshocton Landfill Permit-to-Install (PTI) No. 06-5547, which reiterates rule requirements that the permittee (the Owner) provide for daily inspection of the Facility and completion of the daily inspection checklist and daily log of operations. ORC Section 3734.11(B) specifies that no person who holds a permit shall violate any of the terms and conditions of the permit. OAC Rule 3745-27-19(B)(2) requires that the owner or operator conduct all construction and operation at a sanitary landfill facility in strict compliance with the applicable authorizing documents, including the PTI. Therefore, in order to grant relief from the requirements of Condition 12.a. of PTI No. 06-5547, an exemption from ORC Section 3734.11(B) and OAC Rule 3745-27-19(B)(2) is necessary.
12. Based on a review of the Plan, granting exemptions from OAC Rule 3745-27-09(C), which requires the owner keep the operating record at the Facility, OAC Rule 3745-27-19(E)(10)(a), which requires the owner to keep a daily log of operations at the Facility, and OAC Rule 3745-27-19(B)(2) as it relates to Condition 12.a. of PTI No. 06-5547 is unlikely to adversely affect the public health or safety or the environment, provided the Owner complies with the Plan and the following Orders.
13. If conducted in accordance with the Plan and the following Orders, granting a variance authorizing the Owner to conduct weekly inspections at the Facility in lieu of daily inspections, as required by OAC Rule 3745-27-19(E)(11)(a), will not create a nuisance or hazard to public health or safety or the environment and is unlikely to result in a violation of any other requirements of ORC Chapters 3704, 3714, and 6111 and rules adopted thereunder.

V. ORDERS

1. Pursuant to ORC Section 3734.02(G) and OAC Rule 3745-27-03(B), the Owner is hereby exempted from the requirement of OAC Rule 3745-27-19(C) to locate the operating record at the Facility. The Facility's operating record is to be relocated to Suburban Landfill, Inc., located at 3415 Township Road 447, Glenford, Perry County, Ohio. This exemption shall expire when routine waste acceptance re-commences at the Facility.
2. Pursuant to ORC Section 3734.02(G) and OAC Rule 3745-27-03(B), the Owner is hereby exempted from the requirement of OAC Rule 3745-27-19(E)(10)(a) to keep a daily log. The Owner shall complete a daily log for each day that waste is accepted at the Facility and for each day that a Facility inspection is conducted. For each day that waste is accepted, the Owner shall complete the Municipal Solid Waste Landfill Daily Log of Operations, Form 2 and for each day that a Facility inspection is conducted, the Owner shall complete the Municipal Solid Waste Landfill Daily Log of Operations Form 3 and Form 4. This exemption shall expire when routine waste acceptance re-commences at the Facility.
3. The Owner shall continue to conduct daily inspections until Ohio EPA has provided written concurrence on the intermediate cover certification report.
4. Pursuant to ORC Section 3734.02(G) and OAC Rule 3745-27-03(B), the Owner is hereby exempted from the requirement of ORC Section 3734.11(B) prohibiting violation of a term or condition of the permit and from the requirement of OAC Rule 3745-27-09(B)(2) to conduct all operation at the Facility in strict compliance with PTI No. 06-5547, such that the Owner need not comply with Condition 12.a.. The Owner shall comply with all other Conditions in PTI #06-5547. This exemption shall expire when routine waste acceptance re-commences at the Facility.
5. Pursuant to ORC Section 3734.02(A) and OAC Rule 3745-27-03(C), the Owner is hereby granted a variance from the requirement to conduct daily inspections at the Facility in accordance with the following:
 - a. The Owner shall follow the Plan, as submitted January 17, 2014 and revised February 9, 2014, and any subsequent alteration to the Plan, concurred with in writing by Ohio EPA and these Orders.
 - b. The Owner shall conduct a minimum of one inspection of the Facility per week.

This variance shall expire when routine waste acceptance re-commences at the Facility.

6. For purposes of these Orders, routine waste acceptance is defined as accepting more than one load of waste per calendar year.
7. Except as otherwise expressly provided herein, the Owner shall comply with all other applicable requirements of ORC Chapter 3734 and the rules promulgated thereunder.

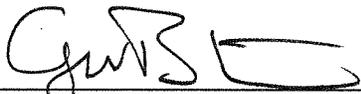
VI. OTHER CLAIMS

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 Facility.

VII. 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 Owner or the Facility.

IT IS SO ORDERED:



Craig W. Butler, Director

Ohio Environmental Protection Agency