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ENTERED DIRECTOR'S JOURNAL

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BEFORE THE ENVIRONMENTAL PROTECTION AGENCY

In the matter of:

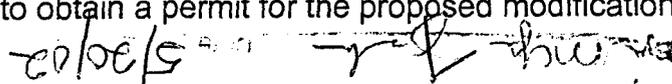
Waste Management, Inc.
389 Fountain Street
Akron, OH 44308

Director's Final
Findings and Orders

Pursuant to Ohio Revised Code (ORC) Sections 3734.02(G), the Director of Environmental Protection (Director) hereby makes the following findings and issues the following orders.

FINDINGS

1. Waste Management, Inc. (WMI) is the owner, lessee, operator, and licensee of the Akron Central Transfer Facility (facility), located at 389 Fountain Street in Akron, Ohio. The facility is a "solid waste transfer facility" as that term is defined in Ohio Administrative Code (OAC) Rule 3745-27-01(C) (13).
2. The facility commenced operations in 1970 and was managed from 1970 until 1994 by Budoff Iron and Metal Co., Inc. and Hybud Waste Industries, Inc. Waste Management of Ohio, Inc., the predecessor of WMI, has operated the site since 1994.
3. On September 23, 1988, the owner/operator applied for a solid waste facility license as a grandfathered site. The Akron City Health Department issued an operating license (Number 77-01-09) to the owner/operator effective on January 1, 1989.
4. By correspondence dated April 4, 2002, WMI requested to make changes to the facility. Specific changes include installation of a new odor control system, expansion of the waste handling area, and roadway modifications to improve loading procedures for transfer trailers and to increase facility efficiency. The changes were submitted in anticipation of the closure of the Hardy Road Landfill, the county's only solid waste disposal facility. The correspondence also included a request, pursuant to ORC Section 3734.02(G), for an exemption from the requirement to obtain a permit for the proposed modifications.


 Director
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5. By letter dated April 23, 2002, Ohio EPA requested additional information. Pursuant to OAC Rule 3745-27-23(D)(3), the activities described in Finding Number 4, above, constitute a modification of the facility, and a permit is required prior to implementing the modifications. Pursuant to ORC Sections 3734.02(C) and 3734.05(A)(2)(a), and OAC Rules 3745-27-21(A) and 3745-31-02(A)(1), prior to modification of an existing solid waste facility a permit to install must be obtained.
6. On May 8, 2002, WMI submitted a document titled *ORC 3734.02(G) Exemption Request, Akron Central Transfer Station, May 2002*, responding to Ohio EPA's request for additional information as described in Finding Number 5, above. Ohio EPA received revisions to the document on May 10, 2002. Further information was submitted on May 13, 2002.
7. Pursuant to ORC Section 3734.02(G), the Director may, by order, exempt any person generating, collecting, storing, treating, disposing of, or transporting solid wastes, or processing solid wastes that consist of scrap tires, 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 registration certificate or license or comply with other requirements of ORC Chapter 3734.
8. Based upon review of the documents submitted, granting WMI an exemption from the requirement to obtain a permit prior to modification of the facility in the manner proposed is unlikely to adversely affect public health or safety or the environment, provided WMI complies with the following orders.

ORDERS

1. Pursuant to ORC Section 3734.02(G), WMI is hereby exempted from the requirement to apply for and obtain a permit to install as required by ORC Sections 3734.02(C) and 3734.05(A)(2)(a), and OAC Rules 3745-27-21(A) and 3745-31-02(A)(1) to modify the facility in the manner proposed by the submitted documents referenced in Findings Number 4 and 6, above.
2. The Director may revoke these Orders if he determines that WMI's operation of the facility in the manner proposed by the submitted documents referenced in Findings Number 4 and 6, above, adversely affects public health or safety or the

environment, or operation of the facility has not been conducted in accordance with these Orders or applicable transfer facility regulations.

3. The Director, or an authorized representative, or the Health Commissioner of the Akron City Health Department, or an authorized representative, may enter upon the premises during construction, operation, and closure at any reasonable time for the purpose of making inspections, conducting tests, or examining records or reports pertaining to the construction, modification, installation, operation, and closure of the solid waste transfer facility.
4. The facility shall be constructed in strict accordance with the plans and application submitted for this request to the Director. There may be no deviation from the approved plans without the express, written authorization of Ohio EPA. Any deviation from the approved plans or the permit conditions may lead to such sanctions and penalties as provided under Ohio law. Approval of these plans does not constitute an assurance that the facility will operate in compliance with all Ohio laws and regulations. Additional facilities shall be installed upon orders of the Ohio EPA if the solid waste transfer facility is inadequate or cannot meet applicable standards.
5. Within 60 days of the effective date of these Orders, WMI shall provide a revised financial assurance instrument for closure in accordance with OAC Rule 3745-27-15, based on the cost estimates contained within the document referenced in Finding Number 4, above. Cost estimates for closure and the corresponding financial assurance instrument shall be adjusted on an annual basis as required by OAC Rule 3745-27-15(D).
6. Ohio EPA's Northeast District Office and the Akron City Health Department shall be given notification at least three days prior to any construction start date.
7. Within 60 days of the effective date of these Orders, WMI shall submit a certification report demonstrating that the facility was constructed in accordance with the detail plans, drawings, and specifications specified in the submitted document referenced in Findings Number 4 and 6, above.
8. Nothing in these Orders shall be construed to affect WMI's obligations to strictly comply with all local laws, regulations, and ordinances including, but not limited to, local zoning and noise ordinances. The Director may consider WMI's compliance

with local ordinances in any determination made pursuant to Order Number 2, above.

9. Nothing in this letter shall be construed to authorize any waiver from the requirements of any other applicable federal or state laws or regulations. These Orders shall not be interpreted to release the owner/operator from responsibility under Chapters 3704, 3714, 3734, or 6111 of the Ohio Revised Code; under the Federal Clean Water Act, Resource Conservation and Recovery Act, or Comprehensive Environmental Response, Compensation, and Liability Act; or from other applicable requirements for remedying conditions resulting from any release of contaminants to the environment.

IT IS SO ORDERED:

A handwritten signature in black ink, appearing to read "Christopher Jones", written over a horizontal line.

Christopher Jones
Director