



1. Willoway, located in Avon, Ohio, plans to use a mixture of floral foam and wood (consisting of 25% to 35% floral foam, by volume, from Smithers-Oasis Company) as an alternative fuel source for an existing 20.7 mmBtu/hr corn/wood-fired boiler for an operational trial period or a test burn at Willoway Nurseries Inc. ("Facility") located at 4816 Cleveland Road E., Huron, Ohio 44839.
2. On August 23, 2007, Willoway submitted a request for permission to conduct an operational trial and stack testing utilizing the alternative fuel source for the Facility's Hurst biomass boiler (emissions unit B001). Ohio EPA granted a temporary exemption from the requirement for Willoway to modify Permit-to-Install ("PTI") Number 03-17148 and gave Willoway until March 1, 2008 to complete the stack testing.
3. To the extent that the use of this alternative fuel source would require Willoway to obtain a permit and license under ORC Chapter 3734 and the rules promulgated thereunder, or comply with OAC Chapter 3745-27 pertaining to operation and final closure of a solid waste incinerator or solid waste energy recovery facility, the Director has determined that issuance of an exemption to Willoway from those requirements so that Willoway may use the alternative floral foam and wood fuel mixture, as approved by Ohio EPA, is unlikely to adversely affect the public health or safety or the environment.

## **V. ORDERS**

1. Pursuant to ORC Section 3734.02(G) and OAC Rule 3745-27-03(B), Willoway is hereby exempted from the requirements of ORC Chapter 3734 and the rules promulgated thereunder to obtain a permit and license and comply with the requirements of OAC Chapter 3745-27 pertaining to operation and final closure of a solid waste incinerator or solid waste energy recovery facility as these requirements pertain to Willoway's plan to use a mixture of floral foam and wood as an alternative fuel source at the Facility.
2. This exemption shall expire on June 30, 2008.

## **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 Willoway or the Facility.

## **VIII. MODIFICATIONS**

These Orders may be modified by agreement of the parties hereto. Modifications shall be in writing and shall be effective on the date entered in the journal of the Director of Ohio EPA.

## **IX. NOTICE**

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

Ohio Environmental Protection Agency  
Northwest District Office  
Division of Solid and Infectious Waste Management  
Attn: Edward Merriman, DSIWM Supervisor  
347 North Dunbridge Road  
Bowling Green, Ohio 43402

and Ohio EPA Central Office at the following address:

For mailings, use the post office box number:

Ohio Environmental Protection Agency  
Lazarus Government Center  
Division of Solid and Infectious Waste Management  
Attn: Supervisor, Processing and Engineering Unit  
50 West Town Street, P.O. 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**

Ohio EPA and Willoway each reserve all rights, privileges and causes of action, except as specifically waived in Section XI. of these Orders.

**XI. WAIVER**

Willoway consents to the issuance of these Orders and agrees to comply with these Orders.

Willoway hereby waives the right to appeal the issuance, terms and conditions, and service of these Orders, and Willoway hereby waives any and all rights Willoway may have to seek administrative or judicial review of these Orders either in law or equity.

Notwithstanding the preceding, Ohio EPA and Willoway agree that if these Orders are appealed by any other party to the Environmental Review Appeals Commission, or any court, Willoway retains the right to intervene and participate in such appeal. In such an event, Willoway shall continue to comply with these Orders notwithstanding such appeal and intervention unless these Orders are stayed, vacated, or modified.

**XII. SIGNATORY AUTHORITY**

Each undersigned representative of a party to these Orders certifies that he or she is fully authorized to enter into these Orders and to legally bind such party to these Orders.

**IT IS SO ORDERED AND AGREED:**

**Ohio Environmental Protection Agency**

\_\_\_\_\_  
Chris Korleski  
Director

\_\_\_\_\_  
Date

**IT IS SO AGREED:**

**Willoway Nurseries, Inc.  
4534 Avon Center Road  
Avon, OH 44011**

\_\_\_\_\_  
Thomas Demaline  
President

\_\_\_\_\_  
Date