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May 29, 2009

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

**CERTIFIED MAIL**

**Director's Final Findings & Orders**

Dear Sir or Madam:

Transmitted herewith are Final Findings & Orders of the Director concerning the matter indicated.

Sincerely,

Kimberly Reese
Systems Management Unit
Division of Solid & Infectious Waste Management

cc: Jeff Hurdley, CO, Legal
Pam Allen, CO, DSIWM
Lynn Sowers, NEDO, DSIWM
Kirk Norris, Stark County Health Department

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**BEFORE THE**
**OHIO ENVIRONMENTAL PROTECTION AGENCY**

In the Matter Of:

| | | |
|---|---|---|
| Republic Services of Ohio II, LLC<br>dba Countywide Recycling and<br>Disposal Facility<br>110 S.E. 6th Street<br>Ft. Lauderdale, FL 33301 | : | Director's Final Findings<br>and Orders |

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: [signature] Date: 5-29-09

Respondent

## PREAMBLE

It is agreed by the parties hereto as follows:

## 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 ("ORC") Sections 3745.01 and 3734.13.

## 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 Chapter 3734 and the rules promulgated thereunder.

## IV. FINDINGS

The Director of Ohio EPA has determined the following findings:

### General Findings

1. Countywide Recycling and Disposal Facility ("Facility") is located at 3619 Gracemont Street SE, East Sparta, Stark County, Ohio.

2. Respondent is the "owner" and the "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).

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. The Director issued Director's Final Findings and Orders to Respondent on March 28, 2007 (March 2007 Orders) to address conditions at the Facility. Section XII. MODIFICATIONS of the March 2007 Orders provided that the March 2007 Orders could be modified by agreement of the parties, and that such modifications would need to be in writing and would become effective on the date entered into the Director's journal.

7. Pursuant to Section XII. Of the March 2007 Orders, the Director issued Director's Final Findings and Orders (December 2008 Modification) on December 30, 2008 that modified certain provisions of Order 2B of the March 2007 Orders. Specifically, the December 2008 Modification required the submission of certain permit modification documents by not later than June 1, 2009.

8. In light of the fact that work currently being planned for the Facility may affect the documents to be submitted under Order 2B of the March 2007 Orders, the parties have agreed to modify Order 2B of the March 2007 Orders as set forth in these Orders.

## V. ORDERS

These Director's Final Findings and Orders modify the March 2007 Orders and the December 2008 Modification in the following manner:

1. Order 2B of the March 2007 Orders and the December 2008 Modification shall be replaced with the following:

   B. Submit, by not later than June 1, 2010, updated engineering detail plans,

specifications and information to the Director for review and approval to modify permit to install # 02-14796 to:

1. Prohibit leachate recirculation in and vertically above cell 7 of the Facility;

2. Require the closure of cells 1, 2, 3,4A, 4B, 5A, 5B, 5C, 5D, and 6A following the Director's written concurrence with Respondent's certifications required by Section V, Paragraph 10, of these Orders; and

3. Revise the Facility's permit documents, consistent with remedial actions selected by the Director under Order 9 of these Orders, and consistent with the conceptual plan drawings approved under Section V, Paragraph 2.A. of these Orders, to account for the required closure of cells 1, 2, 3, 4A, 4B, 5A, 5B, 5C, 5D, and 6A and the resultant loss of airspace at the Facility. The revised permit documents shall result in a net loss of airspace of at least 15,500,000 cubic yards at the Facility, and shall not propose a lateral or vertical expansion of the limits of waste placement which were established in permit to install # 02-14796 at the Facility.

Respondent's updated engineering detail plans, specifications and other information shall be in conformance with the requirements of OAC Rules 3745-27-02, 06, 07, 15, 16, and 17 and any other applicable requirements. To the extent that Respondent maintains that some of the requirements of these rules can be satisfied by existing permit documents, and that such permit documents do not need to be updated, Respondent shall inform Ohio EPA in writing of such rule requirements and permit documents not later than 60 days after the effective date of these Orders.

Ohio EPA may review the updated engineering detail plans, specifications and other information submitted by Respondent to modify its permit in accordance with the procedures set forth in Section VI, Review of Submittals. The Director shall act upon the updated engineering detail plans, specifications and information submitted by Respondent to modify its permit in accordance with the requirements of ORC Section 3734.05(A)(6). Notwithstanding any other provision of these Orders, Respondent reserves the right to appeal any final action of the Director disapproving the updated engineering detail plans, specifications and information submitted by Respondent.

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

## 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, Respondent's 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 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.

## VIII. RESERVATION OF RIGHTS

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

## IX. WAIVER

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

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

## X. EFFECTIVE DATE

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

## XI. 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

**IT IS SO AGREED:**

**Republic Services of Ohio II, LLC**
**dba Countywide Recycling and Disposal Facility**

Jim Teter
Signature

5/26/09
Date

Jim Teter
Printed or Typed Name

Director, Infrastructure Development
Title