

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

OHIO E.P.A.

SEP 24 2009

ENTERED DIRECTOR'S JOURNAL

In the Matter Of:

Richland County Regional Solid Waste :
Management Authority :
Suite 201 :
1495 East Longview Avenue :
Mansfield, Ohio 44906 :

Director's Final Findings
and Orders

Respondent

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.

PREAMBLE

It is agreed by the parties hereto as follows:

By: John Lassiter Date: 9-24-09

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to the Richland County Regional Solid Waste Management Authority ("Respondent") pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("ORC") §§§ 3734.13, 3734.20, and 3745.01.

II. PARTIES BOUND

These Orders shall apply to and be binding upon Respondent and successors in interest liable under Ohio law. No change in ownership of the 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

1. The Richland County Landfill is a closed municipal solid waste landfill located at 536 Cairns Road, Richland County, Mansfield, Ohio (the "Facility"). The Facility is a "sanitary landfill facility" as that term is defined pursuant to Ohio Administrative

Code ("OAC") Rule 3745-27-01(S)(4).

2. Richland County or the Richland County Commissioners ("Richland") operated the Facility from March 1970 until its closure in March 1993.
3. On May 4, 1995, via resolution the Richland County Regional Solid Waste Management Authority ("Respondent") was formed to manage the Richland County Solid Waste Management District ("District"). Pursuant to said resolution and to a transfer agreement dated May 4, 1995, between Richland and the District, the District acquired the Facility. Respondent as successor in interest to the District operates and conducts post-closure care activities at the Facility.
4. Respondent is a "person" as that term is defined in ORC § 3734.01(G) and in OAC Rule 3745-27-01(P)(3).
5. All findings necessary for the issuance of these Orders pursuant to ORC §§ 3734.13 and 3734.20 have been made by Ohio EPA and are outlined below. The Director of Ohio EPA has determined the following:
 - a. On March 4, 1970, the Ohio Department of Health approved Richland's detailed plans for the Facility. In 1970, Richland began operating the Facility.
 - b. On January 5, 1982, Richland was issued a Hazardous Waste Facility Board Permit Number 03-70-0313 for hazardous waste disposal cells A and B for the Facility.
 - c. On June 14, 1985, Ohio EPA issued a permit to install (PTI Number 03-2022) to Richland to operate the Facility. Disposal of hazardous waste at the Facility ceased on August 14, 1984. Cells A and B were certified closed in September 1986.
 - d. On May 31, 1988, Richland ceased disposal of solid waste at the Facility. On March 5, 1993, Richland submitted a report pursuant to OAC Rule 3745-27-11(L)(3), certifying solid waste closure at the Facility.
 - e. On October 29, 1990, Ohio EPA approved Richland's explosive gas monitoring plan for the Facility with conditions pursuant to OAC Rule 3745-27-12.
 - f. On June 25, 1992, Ohio EPA issued Director's Final Findings and Orders to Richland, requiring Richland to install a passive and/or active gas extraction system at the Facility to abate or minimize explosive gas

- migration off-site pursuant to OAC Rule 3745-27-12. On May 10, 1996, Richland entered into consensual Director's Final Findings and Orders, rescinding Orders 2-7 of the June 25, 1992 Director's Final Findings and Orders, eliminating the active gas extraction system requirement at the Facility.
- g. On August 26, 1997, Respondent entered into Director's Final Findings and Orders, requiring Respondent to comply with ground water monitoring rules for solid waste facilities OAC Rule 3745-27-10 in lieu of complying with ground water monitoring requirements within OAC Chapter 3745-54.
 - h. In correspondence stamped August 11, 1999, Ohio EPA approved Respondent's ground water Corrective Measures Plan with conditions.
 - i. On July 11, 2002, Ohio EPA issued Director's Final Findings and Orders to Respondent, requiring Respondent to abate or minimize the formation and migration of explosive gas at the Facility, including submission and implementation of a remediation plan pursuant to OAC Rule 3745-27-12.
 - j. On October 18, 2002, Respondent submitted an explosive gas remediation plan for the Facility in response to the July 11, 2002 Director's Final Findings and Orders Order Number 3. Pursuant to this plan, Respondent installed additional passive vents to the explosive gas system and an active gas extraction system in 2002 through 2004.
 - k. In September of 2006, Respondent expanded its active gas extraction system at the Facility with installation of five (5) new active extraction wells and conversion of eleven (11) passive vents to active wells. The current active gas extraction system currently consists of thirty-two (32) active wells.
 - l. From April 3, 2002 through July 9, 2003, Ohio EPA cited Respondent in notices of violation ("NOVs") for violations of explosive gas migration abatement or minimization requirements under OAC Rule 3745-27-12 and/or of the July 11, 2002 Director's Final Findings and Orders.
 - m. It is Ohio EPA's position that explosive gas exceedances of the lower explosive limit continue to occur at the Facility's boundary in violation of OAC Rule 3745-27-12. Pursuant to OAC Rule 3745-27-12(l), the Director has determined that explosive gas formation and migration at the Facility threaten human health, safety, or the environment.

- n. From June 17, 1999 through May 17, 2005, Ohio EPA cited Respondent in NOVs for violations of ground water monitoring requirements in OAC Rule 3745-27-10 and/or of the August 11, 1999 Corrective Measures Plan approval.
 - o. In correspondence to Ohio EPA from 2006 through 2008 from Respondent, ground water contamination constituents were detected in ground water at the Facility, including but not limited to trichloroethylene, cis-1,2-dichloroethylene, and kepone.
 - p. Conditions at the Facility constitute a substantial threat to public health or safety or are causing or contributing to or threatening to cause or contribute to air or water pollution or soil contamination within the meaning of ORC § 3734.20(B).
6. Based upon the information available to the Director as set forth in these Findings, the Director has determined that the work required by these Orders and the attached Work Plan is in the nature of interim measures only. Such interim measures are designed to investigate the explosive gas and ground water conditions at the Facility.
7. Given conditions at the Facility and based upon the violations as alleged herein, the Director has determined that the work required by these Orders and the attached Work Plan should be performed by Respondent. The Director has given consideration to, and based his determination on, evidence relating to the technical feasibility and economic reasonableness of complying with the following Orders and their benefits to the people of the State to be derived from such compliance.

V. ORDERS

The Director hereby issues the following Orders:

1. Within thirty (30) days after the effective date of these Orders, Respondent shall commence implementation of the attached Work Plan and conduct the Work Plan in accordance with the schedule of implementation set forth below:
 - a. By November 30, 2009, Respondent shall complete a leachate reduction/removal pilot study in the existing active and passive Landfill gas wells in accordance with Task 1 of the Work Plan and report the results of its study to Ohio EPA in at least one technical meeting to be held some time before December 1, 2009.

- b. By November 30, 2009, Respondent shall complete an evaluation of options for leachate treatment and disposal in accordance with Task 2 of the Work Plan and report the results of such evaluation to Ohio EPA in at least one technical meeting to be held sometime before December 1, 2009.
- c. By November 30, 2009, Respondent shall develop a maintenance program for the Facility's cap in accordance with Task 3 of the Work Plan and report the recommendations of such a plan to Ohio EPA in at least one technical meeting to be held sometime before December 1, 2009.
- d. By November 30, 2009, Respondent shall complete an assessment of potential off-site migration of explosive gas and the offsite migration of volatile organic compounds ("VOCs") in groundwater in accordance with Tasks 4 and 5 of the Work Plan and report the results of such assessment to Ohio EPA in at least one technical meeting to be held sometime before December 1, 2009.

VI. TERMINATION

Respondent's obligations under these Orders shall terminate when Respondent certifies in writing and demonstrates to the satisfaction of Ohio EPA that Respondent has performed all obligations under Order 1, paragraphs a, b, c, and d, and the Enforcement Coordinator of Ohio EPA's Division of Solid and Infectious Waste Management acknowledges, in writing, the termination of these Orders. If Ohio EPA does not agree that all obligations have been performed, then Ohio EPA will notify Respondent of the obligations that have not been performed, in which case Respondent shall have an opportunity to address any such deficiencies and seek termination as described above.

The certification shall contain the following attestation: "I certify that the information contained in or accompanying this certification is true, accurate and complete." The certification shall be submitted by Respondent to Ohio EPA and shall be signed by a responsible official of Respondent.

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, the 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.

IX. 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.

X. NOTICE

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

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

and to:

Richland County Health Department
555 Lexington Avenue
Mansfield, Ohio 44907
Attn: Health Commissioner

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

XI. RESERVATION OF RIGHTS

Ohio EPA and Respondent each reserve all rights, causes of action and defenses thereto, except as specifically waive in Section XII of these Orders.

Ohio EPA specifically reserves the right to seek legal and/or equitable relief to enforce the terms and conditions of these Orders, including penalties against Respondent for noncompliance with these Orders.

Respondent specifically reserves any and all rights it may have to raise and assert any factual, legal, equitable, or other defense in any action brought by Ohio EPA to enforce the terms and conditions of these Orders and any other action brought or threatened by Ohio EPA.

Ohio EPA specifically reserves the right to terminate these Orders and/or perform all or any portion of the work in the attached Work Plan or any other measures in the event that the requirements of these Orders are not wholly complied with within the time frames required by these Orders and the attached Work Plan.

Ohio EPA specifically reserves the right to take any action, including but not limited to, any enforcement action, or action to recover costs pursuant to any available legal authority as a result of past, present, or future violations of state or federal laws or regulations or the common law, and/or as a result of events or conditions arising from, or related to, the Facility.

XII. WAIVER

Respondent disputes the Findings, including their completeness. Respondent enters into these Orders without any admission of fact, violation, or liability, and only to address disputed claims on an interim basis. Respondent consents to the issuance of these Orders and agrees to comply with these Orders.

Respondent expressly waives any and all claims and defenses of res judicata, collateral estoppel, issue preclusion, or other claims and defenses based upon any contention that the actions taken or claims raised by Ohio EPA or the State of Ohio in a subsequent proceeding were or should have been raised, brought, or resolved in these Orders.

Respondent hereby waives the right to appeal the issuance, terms and conditions, and service of these Orders only, 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.

XIII. EFFECTIVE DATE

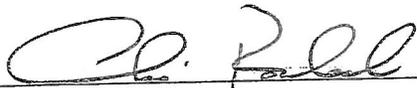
The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

XIV. 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:

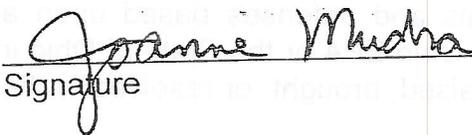
Ohio Environmental Protection Agency



Director

IT IS SO AGREED:

Richland County Regional Solid Waste Management Authority



Signature

9/9/09

Date

Joanne Mudra

Printed or Typed Name

Executive Director

Title

**INTERIM INVESTIGATIVE ACTIVITIES:
RICHLAND COUNTY REGIONAL SOLID WASTE MANAGEMENT AUTHORITY
CLOSED RICHLAND COUNTY LANDFILL**

JULY 31, 2009

Task 1: LEACHATE REDUCTION/REMOVAL PILOT STUDY

- Complete a leachate reduction/removal pilot study in the existing active and passive landfill gas wells using a portable pump system. Removal program will focus initially on active landfill gas wells in the areas of concern within the southern portion of the landfill in wells or areas where leachate removal has the potential to improve landfill gas removal efficiency. The initial active or passive wells targeted for leachate removal testing include:
 - Active gas extraction wells EW-22 and EW-23, near landfill gas monitor wells P-6 and P-22;
 - Active gas extraction wells EW-28, near landfill gas monitor well P-2;
 - Active gas extraction wells EW-27, EW-26 and EW-24, and passive gas extraction wells GV-11, GV-26, GV-27, GV-28 and GV-29 near landfill gas monitor wells P-3, P-4 and P-5;
 - Active gas extraction wells EW-4, EW-8, EW-12, EW- 16, EW-20 and EW-23, near landfill gas monitor well BP-1.
- A Portable leachate pumping system will be purchased by the landfill for this study and for future use, as needed. The equipment includes:
 - Pump, air compressor and assembly – QED Hammerhead AP-4, or equivalent, gas powered (air compressor) leachate pump;
 - Portable tank, 250 to 350 gallon capacity, mounted on a trailer;
 - Additional temporary holding tank of 1200 to 1500 gallon capacity, to be stationed near the landfill garage and accessible to leachate removal truck;
 - Absorbent material in the event of a spill; and,
 - Small gas powered transfer pump and hosing, to be used for transfer of collected leachate from the portable tank to the larger holding tank.
- Technician to operate pump system and collect data for 1 day per week for three months.
- Environmental Management & Consulting, Inc. (“EM&C”) will coordinate with current leachate removal company, Well’s Septic Tank Services, to empty the large holding tank as necessary for removal operations.
- Leachate to be transported to and treated at City of Shelby municipal wastewater treatment facility, unless analytical results suggest alternative treatment is necessary.
- Data collection during this pilot study to include:
 - Leachate removal volume and approximate removal rates;
 - Approximate recharge rates in removal wells and adjacent wells where possible;
 - Approximate changes in landfill gas quality (% methane) and gas removal rates in areas where leachate removal has occurred;

- A minimum of two detailed chemical quality analysis to be completed on the leachate removed.
- A detailed review and reporting of collected data to be completed. Report shall also provide initial observations and recommendations related to leachate collections system upgrades and long-term leachate management. Other data collected during this study may be used for Task 2, 3 and 4.
- Revised schedule. The leachate removal pilot testing is scheduled to begin in June 2009. Results to be presented to Ohio EPA in overall technical meeting in late November 2009.

Task 2: Leachate Management

- Complete an evaluation to enhance the Facility's leachate management program with the City of Mansfield and/or other options. This evaluation will be completed using existing information and the data collected during Task 1.
- Hull & Associates, Inc. ("Hull") will coordinate and begin communications with the City and provide them with additional leachate chemistry information for their consideration to accept the leachate to be discharged into the wastewater treatment system. During the discussions, a status on the City's plans to extend the sanitary sewer system near the landfill property and the potential for a permanent connection will also be requested.
- Hull to complete a desktop review of the current leachate characteristics and volumes from the on-site leachate collections sumps that is currently being taken to the City of Shelby.
- Representative leachate samples may be collected during the leachate pilot study (Task 1) to provide more recent chemical quality data. The chemical quality data of the current leachate waste stream as well as leachate generation volume estimates as determined from the leachate pilot study (e.g., when considering the various landfill improvements) will be provided to the City for their consideration.
- Revised schedule. Hull will initiate discussions with the City by July 2009 and will present update leachate chemical quality data if and when available from the leachate pilot study.

Task 3: Develop a Formal Landfill Cap Maintenance Program

- Hull will develop a cap maintenance program and will provide general earthwork recommendations relative to implementing a cost-effective approach to promote positive surface run-off. A base map will be prepared to define areas of the landfill cap that are in need of maintenance.
- The potential effectiveness of the proposed work, or other infrastructure to manage surface water run-on and run-off, will be evaluated using the observations gathered from the leachate pilot study.
- RCRSWMA staff will use existing lidar topographic data (e.g., map previously prepared by Hull) to complete a site walkover to map out low-lying areas or other areas that historically pond or require maintenance. These areas will be marked with surveyors lath or utility flags in the field to facilitate subsequent improvement activities.
- Existing lidar data may be supplemented with field topographic survey in localized areas, as needed. The RCRSWMA will be responsible in contracting a professional survey to complete this work.

- Revised schedule. RCRSWMA staff will complete a site walk in Summer 2009 to identify low-lying areas where surface water typically ponds. Hull will prepare a proposed cap maintenance work plan for the RCRWSMA to implement the maintenance work.

Task 4: Offsite Landfill Gas Migration

- Complete an initial evaluation of existing data and information to produce a report relative to potential off-site migration of landfill gas.
- Implement some minor changes/adjustments to the current active gas extraction and monitoring system. Evaluate the system's response to these changes, with respect to improvements in the landfill gas extractions system and or gas monitor system, to assist determining more permanent changes that may be appropriate. These changes/adjustments may include:
 - Temporarily tie in passive gas well GV-25B to the active gas system to evaluate the effect on landfill gas concentrations in gas monitor wells P-6 and P-22
 - Temporarily (and not all at once) allow gas monitor wells P-2, P-3, P-4, P-5, and P-6 to passively vent off landfill gas, to evaluate the impact on the landfill gas extraction wells and/or landfill gas monitor wells near each. The data will be used to evaluate the need for making further more permanent changes.
 - Other currently passive gas extraction wells along the southern boundary of the landfill may be temporarily connected to the active system to evaluate their potential contribution.
- Evaluate data collected in the Tasks 1, 2 and 3 relative to the landfill gas migration issues.
- Revised Schedule. Complete study and letter report in Summer 2009. Implement some adjustments to the gas extraction system by November 2009.

Task 5: Offsite Migration of VOCs in Groundwater

- Complete an initial evaluation of existing data and information to produce a report relative to potential offsite migration of VOCs in groundwater.
- Connect three locations, currently using on-site domestic drinking water wells, to City of Mansfield water supply, where possible. The three drinking water well locations to be replaced are the landfill maintenance garage, the Boyle property located at 325 Cairns Road, and the 4-H Auto Salvage property located at 501 Cairns Road.
- Revised schedule. Complete data review and letter report by October 2009. Negotiate and contract with property owners for city water supply installation by October 2009. Complete and submit Rule 13 request, if required, by November 2009. Install new city water supply connections in the Spring 2010.

