OHIO E.P.A.

SEP -6 2006

ENTERED DIRECTOR'S JOURNAL

BEFORE THE

OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

Countywide Recycling & Disposal Facility Division of Republic Waste Services of Ohio 3619 Gracemont Street S.W. East Sparta, Ohio 44626 RESPONDENT	: : : : : :	Director's Final Findings and Orders

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to Countywide Recycling & Disposal Facility ("Respondent") pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("ORC") §§ 3704.03 and 3734.13.

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 owned by Respondent 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 Chapters 3704 and 3734 and the rules promulgated thereunder.

IV. FINDINGS

The Director of Ohio EPA has determined the following findings:

1. Respondent owns and operates a municipal solid waste disposal landfill located in Pike Township, near East Sparta, in Stark County, Ohio, and is identified by Ohio EPA as facility identification number 15-76-00-1579. Additionally, the landfill is an "air contaminant source" as defined in Ohio Administrative Code ("OAC") Rules 3745-31-01(I) and 3745-15-01(C) and (W) and is not classified as a prevention of significant deterioration ("PSD") major stationary source.

I certify this to be a true and accurate copy of the official document as filed in the records of the Ohio Environmental Protection Agency.

By: Michael A Shapiro Date: 9/6/06

2. OAC Rule 3745-15-07(A) defines a public nuisance as the emission or escape into the open air from any source or sources whatsoever, of smoke, ashes, dust, dirt, grime, acids, fumes, gases, vapors, odors, or any other substances or combinations of substances, in such manner or in such amounts as to endanger the health, safety, or welfare of the public, or cause unreasonable injury or damage to property. Further, it states that it is unlawful for any person to cause, permit or maintain any such public nuisance.

3. OAC Rule 3745-31-01(KKK)(1), in part, defines a "major stationary source" as a stationary source located in a non-attainment area for a given regulated new source review ("NSR") pollutant if it emits, or has the potential to emit 100 tons or more of any NSR pollutant for which the area is classified as non-attainment. OAC Rule 3745-31-01(KKK)(2)(b), in part, defines a "municipal solid waste landfill" as not a major NSR stationary source if it emits, or has the potential to emit, less than 250 tons per year or more of any regulated NSR pollutant. OAC Rule 3745-31-01(KKK)(5) states, in part, that any physical change at a minor NSR source would constitute a major source if the change itself would be classified as a major source. In other words, a major modification would not occur at a minor NSR source unless the modification itself triggers the major NSR stationary source threshold.

4. OAC Rule 3745-31-01(PPP)(1)(a)(vi) defines, in part, a modification as any physical change in, or change in the method of operation of any air contaminant source that results in an increase in allowable emissions except pollution control shall not be a modification if, in part, it would not be prohibited under any Ohio EPA or federal Clean Air Act applicable requirement.

5. ORC § 3704.03(R), in part, gives the Director the power to issue orders requiring emission control devices or measures in order to comply with applicable requirements of ORC § 3704.03.

6. ORC § 3704.03(E), in part, gives the Director the power to adopt rules for the prevention of air pollution, including rules for the prevention or control of odors and air pollution nuisances. OAC Rule 3745-15-07 was adopted under this authority.

7. ORC § 3704.05(C) prohibits any person from violating any terms or conditions of any permit issued by the Director of Ohio EPA.

8. ORC § 3704.05(G) prohibits any person from violating any order, rule or determination of the Director of Ohio EPA issued, adopted, or made under ORC Chapter 3704. OAC Rule 3745-15-07 was adopted by the Director of Ohio EPA under ORC Chapter 3704.

9. On May 10, 2005, Ohio EPA's Division of Air Pollution Control ("DAPC") issued a permit to install ("PTI") modification (#15-01391) and on August 30, 2004, issued a Title V permit to Respondent. Both permits prohibited Respondent from causing a public nuisance and violating OAC Rule 3745-15-07.

10. On September 22, 2004, Mr. William Huth, who resides at 1580 State Route 211 NW in or near Bolivar, Ohio, informed the Canton City Health Department, Air Pollution Control Division ("Canton"), a contractual representative of Ohio EPA in Stark County, via telephone, of the September 20 and 21, 2004, odors that were emitted from the facility. He described the smell of the odors as "a dumpster with trash that had not been emptied for a few days" and that sometimes the odor has a slightly "sweet smell." Secondly, he stated that he detected the odors directly west of the landfill and to the north of the landfill.

11. On September 27, 2004, Ohio EPA received a verified complaint dated September 23, 2004 against Respondent from Mr. William Huth, who resides at the address identified in Finding 10. Mr. Huth alleged that he had witnessed the emissions or the escape of odors from Respondent's facility in such a manner and in such amounts that constituted an air pollution nuisance as specified in OAC Rule 3745-15-07. The complaint stated that Mr. Huth had smelled the odor on September 20, 2004 at approximately 8:45 a.m. and 9:30 p.m., September 21, 2004, at approximately 5:00 p.m. and September 22, 2004, at 8:45 a.m. Mr. Huth claimed that he had been aggrieved and that his welfare had been adversely affected by these odors generated from the Respondent's facility.

12. Because Mr. Huth's complaints were not lodged at the time the odors were occurring, an indirect approach had to be used to determine if Respondent could have reasonably caused an odor impact at the specified times and locations. Wind speed and direction data from the ambient monitoring station, located at Malone College in Canton and operated by Canton, were examined. The wind direction for the reported times for September 20 and 21, 2004 indicated that odors from Respondent's facility could have caused an impact on Interstate 77, which is west of the landfill. However, the wind direction for the reported time for September 22, 2004, was blowing from the southwest, which would imply that any odor generated by Respondent's facility would be blown away from I-77.

13. In addition to Mr. Huth's alleged odor complaints, Canton had received approximately 30 citizens odor complaints in 2004. The complaints alleged that Respondent's facility was responsible for offensive odors detected along I-77 and occasionally at their residence. On several occasions (approximately 45 percent), the wind direction during the time of the complaint indicated that Respondent's facility was responsible for the generation of the odors. Also, four percent of the complaints were

verified by Canton by detecting the physical presence of odors. Secondly, Canton employees had smelled offensive garbage odors while driving by Respondent's facility on Interstate 77. Based on these facts, Ohio EPA has concluded that Respondent was and is causing a public nuisance as defined in OAC Rule 3745-15-07.

14. In November 2004, Respondent began early installation of landfill gas collection and control systems in the western part of the facility. The landfill gas collection and control systems are required by 40 CFR, Part 60, Subpart WWW to be operated in each landfill area, cell or group of cells where the initial solid waste has been placed for a period of five years or more. However, Respondent began to install the gas wells earlier than required by regulation to assist in eliminating potential odor problems. At the time Respondent's primary control device for the landfill was an open utility flare that was permitted to burn 3,500 standard cubic feet per minute ("scfm") of extracted landfill gas.

15. In December 2004, Stark County Health Department ("Stark County") issued Respondent its 2005 solid waste disposal facility operating license, stipulating that Respondent identify and install a fully operational odor suppression system by May 1, 2005. The suppression system, at a minimum, was required to assist in the mitigation of landfill odors along the facility's western boundary (i.e., along Interstate 77). The system was required to be operated in conjunction with best management practices at the facility. In addition to the suppression system, Respondent was required to develop an odor control contingency plan by March 15, 2005.

16. In January 2005, Respondent had to suspend the installation of the gas wells in the western part of the facility due to safety concerns caused by inclement weather with only 30 percent of the planned 35 gas collection wells in place. As soon as the weather conditions permitted, Respondent resumed drilling the gas extraction wells in the western portion of the facility with plans to finish all the wells by mid-June of 2005.

17. By early March 2005, a portion of the gas collection wells in the western part of the landfill were operational and extracting substrate gas generated by the decomposition of buried waste to the control system (i.e., flare). Additionally, Respondent had completed a new cell for disposing the waste material and was in the process of placing the bottom layer of waste in the cell. Once the bottom layer was completed, Respondent began disposing all the waste in the new cell. Due to the location and elevation (approximately 200 feet lower than the then current elevation) of the new cell, the completion of the early gas wells and the odor suppression system, Respondent believed that the odor problems would be resolved.

18. In May 2005, Respondent started operation of the odor suppression system. Additionally, in June 2005, Respondent completed construction and started operating the

landfill gas collection and control system identified in Finding 14 in the western part of the facility.

19. From June 2005 through the middle of December 2005, only four odor complaints were received by Canton, and during facility inspections Canton could only occasionally detect low levels of odors.

20. From January through August 2006, Canton received over 660 odor complaints against Respondent. On some days as many as 25 complaints were received. During the investigation of the odor complaints, Canton verified the physical presence of landfill odors. On one occasion the odor was detected eight miles away from the facility. Respondent has told Canton that it believes the odors were due to an unseasonably cold period from November 2005 to December 2005, followed by an unseasonably warm period. It is theorized that the cold period froze the soil cover and prevented the landfill gas from escaping while the warm period thawed the soil cap and released the build up of landfill gases that "overloaded" the landfill gas collection and control system. Secondly, there was little to no wind and high humidity during the warm period. These conditions historically are known to have trapped small amounts of the landfill gas close to the ground where it was easily detected by the public. Additionally, Respondent said that during this period there was extensive open excavation, due to the installation of a leachate recirculation field, which could have allowed uncontrolled landfill gases to permeate into the air.

21. Respondent indicated that from January 1, 2006 to date, Respondent completed the following efforts to control and mitigate odors:

a. discontinued leachate recirculation to reduce moisture within the landfill which in return should decrease the generation of landfill gasses;

b. hired expert landfill gas and leachate consultants and contractors to review the situation and to make recommendations;

c. installed 38 new landfill gas wells and rehabilitated numerous others;

d. connected 27 additional locations to the landfill gas extraction system (this includes horizontal collectors, leachate cleanouts and collectors under the geomembrane ("geo cap"));

e. installed 1,700 plus feet of new 12-inch diameter landfill gas header, repaired 350 feet of 18-inch diameter header and installed hundreds of feet of four, six and eight foot diameter laterals to connect all of the new landfill gas extraction points;

f. implemented a program of weekly and sometimes daily monitoring and tuning gas wells to maximize the gas extraction and minimize air intrusion (this program is more stringent than the regulations that require the wells be monitored and tuned once per month);

g. installed 2.5 acres of temporary geomembrane cap on the south slope of the landfill to contain leachate seepage and odor in the area (additionally, landfill gas and leachate collectors were installed under the geomembrane cap);

h. conducted temperature, liquid level, carbon monoxide and hydrogen monitoring on selected gas wells;

i. conducted laboratory testing of aluminum dross waste to determine what impact it has on the decomposition and odor generation;

j. conducted gas chemistry testing upwind, downwind, under the temporary geomembrane cap and at the inlet to the flare;

k. applied additional cover soil in areas where settlement had occurred to suppress odors;

l. repaired eight landfill pinched gas well casings;

m. installed three landfill gas and leachate horizontal collectors near the LCR-3D well on the south slope;

n. installed two horizontal collectors under the geomembrane cap located near the shredder fluff pile;

o. scarified and re-compacted the intermediate cover located along the north slope and uphill from the upper haul road;

p. connected the landfill gas wells located in the top deck to the vacuum extraction after waste filling was at an appropriate grade;

q. installed a portable odor neutralizing system;

r. installed an "auto-dialer" on the existing landfill gas flare to dial out if the flare shuts down, to reduce downtime;

s. installed two additional landfill gas flares to increase the flaring capacity from 3,500 scfm to 5,500 scfm;

t. repaired landfill gas leaks at risers 5 AB and 5 CD;

u. repaired all leaks in the high density polyethylene ("HDPE") boots on the geomembrane cap area;

v. installed a minimum of 6 liquid pumps in the existing landfill gas wells located on the south slope of the landfill to remove "pooling" liquids; and

w. installed a new covered leachate trench along the south toe near the temporary geomembrane cap.

22. On June 13, 2006, Respondent submitted a request for a Director's discretionary exemption to install additional gas collection and control systems to reduce the odors generated by the facility. At the time of the request, Respondent believed that the requested increase in flaring capacity from 3,500 scfm to 5,500 scfm would be sufficient to control the landfill gases and to eliminate the odors. Based on emission calculations submitted with this request, the additional flaring capacity would result in a 68 tons per year increase in carbon monoxide emissions from the combustion of the landfill gases in the flare.

23. On July 11, 2006, the Director sent a letter to Respondent granting the discretionary exemption request identified in Finding 22 under the authority of OAC Rule 3745-31-01(PPP)(1)(a)(vi) because the minor increase was determined to be environmentally beneficial and was not prohibited under any Ohio EPA rules or the federal Clean Air Act. Subsequently, it has been determined that the requested increase in flare capacity is not sufficient to control the gas generated by the landfill and to reduce the odors to an acceptable and tolerable level.

24. The "affected area" of the landfill has settled a minimum of twenty feet and has moved horizontally a minimum of six feet. Current data indicates that the affected area is continuing to show vertical and horizontal movement.

25. On August 14, 2006, Ohio EPA received a verified complaint against Respondent from Kerry Metzger, Chris Abbuhl, and Jim Seldenright, who were acting as individuals and as the Tuscarawas County Board of Commissioners ("Commissioners"). The complaint alleges that the Commissioners had personally experienced waste odors,

during the past year, while traveling southbound and northbound on Interstate 77 between mile markers 95 and 97, in the Village of Bolivar and in the unincorporated area of Wilkshire Hills. Additionally, the complaint states that the Commissioners had received numerous complaints related to these odors (samples of the complaints were attached to the complaint). The Commissioners claim they had been aggrieved and their welfare had been adversely affected by the emissions of odors escaping from Respondent's facility. The Commissioners state that they believed the odors being emitted from Respondent's facility endanger the health, safety and welfare of the public and constitute an air pollution nuisance as specified in OAC Rule 3745-15-07.

26. On September 1, 2006, Ohio EPA received a verified complaint against Respondent from the Village Council of the Village of Bolivar, Ohio. The complaint alleges that vapor or odorous substances are being emitted from Respondent's facility that (a) interfere with the comfortable enjoyment of life or property; (b) may constitute "air pollution" and violate the OAC, and (c) may violate the PTI and Title V permit issued to the facility by Ohio EPA. The Village Council of the Village of Bolivar, Ohio also allege that they have personally experienced municipal solid waste odors while traveling northbound and southbound on Interstate 77 between mile markers 95 and 97 and in the incorporated area of the Village of Bolivar and the unincorporated area of Wilkshire Hills, during the past year. Furthermore, they claim to have been aggrieved and their welfare adversely affected by the emissions of odors escaping from Respondent's facility.

27. On September 6, 2006, Ohio EPA received a verified complaint against Respondent from the Lawrence Township Trustees, 10867 Industrial Parkway N.W., Bolivar, Ohio, and as the Trustees as individuals (Mark Haueter, Randy L. Burkhart,and Donald J. Ackerman). The complaint alleges similar violations to the verified complaint submitted by the Tuscarawas County Commissioners as mentioned above.

28. Due to the large number of odor complaints received by Canton and Canton's physical detection of landfill odors, the Director has determined that Respondent has and is violating OAC Rule 3745-15-07, the terms and conditions of PTI 15-01391 and its Title V permit, and ORC § 3704.05(C) and (G) by causing an air pollution nuisance as alleged in the verified complaints. The Director issues these Orders to address these violations and to resolve the verified complaints submitted by Mr. Huth, the Tuscarawas County Commissioners, Village Council of the Village of Bolivar, Ohio, and the Lawrence Township Trustees.

29. 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 the benefits to the people of the State to be derived from such compliance.

V. ORDERS

The Director hereby issues the following Orders:

1. Respondent shall bring its facility into compliance with the air pollution nuisance prohibition in OAC Rule 3745-15-07 by no later than December 15, 2006, in accordance with the requirements identified in the following Orders, and shall maintain compliance thereafter.

2. Within twenty-one (21) days after the effective date of these Orders, Respondent shall prepare and submit to Ohio EPA and Canton an approvable Odor Sampling and Analysis Workplan (the "Workplan") that meets the following objectives based on appropriate US EPA analytical methodology:

a. fully capable of characterizing the individual constituents and the complete chemical composition and concentration of the odor and its source of generation;

b. fully capable of determining the impact of releases beyond the facility boundary and the risk it presents to public health, safety and the environment; and

c. fully capable of characterizing the individual constituents and the complete chemical composition and concentration of the leachate at the landfill.

In addition, Respondent shall include in the Workplan an implementation schedule that details the frequency of sampling events and shall commence within thirty (30) days after the effective date of these Orders. Leachate sampling shall be conducted at a minimum of monthly and odor-related sampling shall be conducted at a minimum of weekly, unless otherwise agreed in writing by the Director.

3. In addition to maintaining the control measures identified in Finding 21, Respondent shall install, implement, operate and maintain, in accordance with the manufacturers' specifications and guidance, the following control measures within the specified time frame:

a. Weekly monitor and tune all landfill gas wells and fields as in required in 40 CFR, Part 60, Subpart WWW. Respondent shall record the results of the monitoring and tuning and make such record available for inspection by Ohio

EPA and Canton.

b. Monthly survey the intermediate cover condition and, as needed and weather permitting, scarify and recompact the intermediate cover.

c. Within thirty (30) days after the effective date of these Orders, provide Canton and Ohio EPA with detailed data concerning the wellfield tuning, the laboratory results of aluminum dross tests, the air sampling, and carbon monoxide monitoring conducted during the first 8 months of 2006.

d. Within thirty (30) days after the effective date of these Orders, conduct a survey to determine if the vacuum is getting to all the headers and lateral piping system.

e. Within sixty (60) days after the effective date of these Orders, if the above survey indicates that vacuum is not properly getting to the headers and piping system, Respondent shall take measure(s) to correct this problem, and provide Canton and Ohio EPA with a written report of the corrective measure(s) within fifteen (15) days after the completion of the corrective measure(s).

f. Within thirty (30) days after the effective date of these Orders, conduct maintenance on flare #1, which includes, but is not limited to, the installation of a new flame arrestor and increasing the stack height to dissipate the heat. Respondent shall minimize the flare's downtime and shall follow the shutdown requirements specified in 40 CFR, Part 63, Subpart AAAA, § 63.1950, and its Title V permit.

g. Within thirty (30) days after the effective date of these Orders, develop and implement a community relations plan that includes, but is not limited to, the means of communicating landfill activity data to the public.

h. Continue to seal locations of the landfill found to be venting landfill gas or allowing the intrusion of air.

i. Prepare and submit for approval by not later than December 15, 2006, a revised LFG collection and control system design plan, in accordance with 40 CFR § 60.752(b)(2)(i), for the Landfill Expansion Area, including the wellfield expansion required for odor control. The design plan shall be based on a revised maximum expected gas flow rate for the entire landfill including the Landfill Expansion Area and the gas flow increase in the affected area

of the original 88 acres.

j. Finalize the "as-built" landfill gas collection system plans and drawings by no later than December 15, 2006. By no later than December 15, 2006, Respondent shall provide a copy of the "as-built" landfill gas collection system to Canton and Ohio EPA and shall operate the temporary flare and the gas collection system in accordance with manufacturers' specifications, 40 CFR, Part 60, Subpart WWW, and Part 63, Subpart AAAA, and in such a manner as specified in either the Director's Discretionary Exemption or a PTI. Additionally, Respondent shall submit, within six (6) months after the effective date of these Orders, complete and approvable PTI and Title V permit applications for any modifications needed, such as increasing the facility's permanent flare capacity, to permanently mitigate the public nuisance as defined in OAC Rule 3745-15-07 and caused by odors generated by the landfill.

k. Purchase and install a backup blower for flare #1 by December 15, 2006.

4. Within two weeks of the effective date of these Orders, Respondent shall begin weekly monitoring and record-keeping of the strength, location and time of any odor identified by plant personnel at the facility's boundary. If any odor is detected, Respondent shall immediately investigate the landfill's activities and condition to identify possible causes of the odor. Respondent shall record the results of the investigation and any corrective actions taken to eliminate the odor.

5. Respondent shall continue to record and investigate any complaint of odor in accordance with the facility's odor control contingency plan, as required by the facility's operating license. If an odor is detected, Respondent shall immediately investigate the landfill's activities and condition to identify possible causes of the odor. Respondent shall record the results of the investigation and any corrective actions taken to eliminate the odor or reasons why no action was taken.

6. The Director is exercising the authority granted by ORC § 3704.03(R) to require Respondent to expand the gas collection and control system beyond the current limitations specified in the facility's current PTI and its Title V permit. This installation is a physical change in the method of operation that would increase the allowable NSR pollutants (i.e., is a modification). However, the Director has determined that it qualifies as an air pollution control project as defined in OAC Rule 3745-31-01(PPP)(1)(a)(vi), provided that the modification is not classified as a major stationary source as defined in OAC Rule 3745-31-01(KKK)(2)(b) or (KKK)(1) [i.e., the increase granted herein and the increase granted by the Director's July 11, 2006, letter will be less than 250 tons per year of carbon monoxide and less than 100 tons per year of ozone forming pollutants; thus, not triggering

the requirement for a PSD and/or non-attainment preconstruction review permit]. Therefore, this expansion shall give Respondent the authority to install additional gas wells and expand the control system provided that the increases in NSR pollutants do not trigger a PSD or a non-attainment NSR review and the gas collection and control system complies with all applicable requirements. Prior to the connecting of any additional wells to the control device(s), Respondent shall provide Canton and Ohio EPA a detailed description and calculations that demonstrate, to the Director's satisfaction, that the increases will be less than 250 tons per year of carbon monoxide and documentation that the gas collection and control system will comply with all applicable requirements including those specified in its Title V permit, 40 CFR, §§ 60.752 through 60.759 and 40 CFR, Part 63, Subpart AAAA and the flare(s) shall be designed and operated in accordance with § 60.18. This shall include, but is not limited to, to the following applicable requirements:

a. The gas collection and control system shall be designed as follows:

   i. by a professional engineer;
   ii. to handle the maximum expected gas flow rate generated from the area of the landfill experiencing accelerated decomposition;
   iii. to collect gas at a sufficient extraction rate;
   iv. to minimize off-site migration of subsurface gas;
   v. to route all the collected gas to a control system;
   vi. to reduce nonmethane organic compounds ("NMOC") by 98 percent by weight if a flare is used as the control or, if an enclosed combustion device is used for control, it shall reduce NMOC by 98 percent by weight or reduce the outlet concentration to less than 20 ppm by volume on dry basis as hexane at 3 percent oxygen; and
   vii. to operate the system to comply with the provisions of 40 CFR, §§ 60.753, 60.755 and 60.756.

b. The gas collection and control system shall be operated as follows:

   i. each interior wellhead with a landfill gas temperature of less than 131° F and with either a nitrogen level less than 20 percent or an oxygen level less than 5 percent, unless the Respondent demonstrates that a higher value does not cause fires or significantly inhibit anaerobic decomposition by killing methanogens;
   ii. with negative pressure at each wellhead except as specified in 40 CFR, § 60.753(b);
   iii. so that the methane concentration is less than 500 ppm above the background of the surface of the landfill; and

iv. so that all collected gases are vented to the control system and when the control system is inoperable, Respondent shall, within one hour, shut down the gas collection and control system and all valves in the system shall be closed.

Respondent shall operate the control system at any time the collected gases are routed to the control system. Additionally, Respondent shall take corrective action as specified in 40 CFR §§ 60.755(a)(3) through (5) or §§ 60.755(c) if monitoring demonstrates that the system is not meeting the required temperature, nitrogen and oxygen levels or not operating under negative pressure.

7. By not later than October 20, 2006, Respondent shall install a sufficient number of gas extraction wells in the south slope area and connect them to the gas collection and control system to achieve and maintain negative pressure in the wellheads within the affected area. Respondent shall install additional gas control measures, including, but not limited to, the installation of additional gas wells, horizontal gas collection pipes, and/or other measures acceptable to the Director, if within four (4) months after the effective date of these Orders, the following parameters have not been met:

a. the pressure within the landfill has not been reduced to below 96 inches of water at all monitoring probes;

b. all gas collection wellheads, including the ones installed prior to these Orders, are operating under negative pressure; and

c. the odors off the facility's property are at an acceptable level.

By not later than September 30, 2006, Respondent shall have installed eight new gas pressure monitoring probes on the south slope. These monitoring points shall be capable of measuring pressure within the waste. Respondent shall monitor the gas collection system to determine if horizontal gas collection pipes are useful and necessary.

8. Within six (6) months after the effective date of these Orders, Respondent shall submit for Ohio EPA's approval, applications to modify the applicable parts of its Title V permit and PTI applications for the gas collection and control system authorized in Order 7.

9. Within thirty (30) days after the effective date of these Orders, Respondent shall submit to Ohio EPA, Northeast District Office, an acceptable Slope Stability Analysis and Monitoring Plan (the "Plan"). The Plan shall include, but not be limited to the following:

a. an evaluation of current slope stability conditions within the affected areas;

b. a narrative describing Respondent's continued slope stability monitoring of the affected areas; and

c. a narrative describing Respondent's actions to achieve slope stability as required by OAC Rule 3745-27-08.

10. All records required herein shall be maintained at the facility for a minimum of two years, unless otherwise specified or required by regulation or a permit, and shall be made available for inspection and copying upon request by any representative of Ohio EPA or Canton.

11. Respondent may request that adjustments be made to the requirements in these Orders by submitting written justification for the Director's approval. The Director will provide written partial or full approval or denial of the request within 30 days of its receipt.

12. Respondent shall submit progress reports for the requirements specified in these Orders within fourteen (14) days after each completion date. The reports shall include a narrative description of whether the requirement has been completed and how it was completed, with any documentation necessary to demonstrate that the requirement was met. If a requirement has not been completed, the report shall include an explanation of the reasons for the missed completion date, a description of all actions to be taken to complete the requirement, and a proposed schedule to complete the requirement. In the event of a missed completion date, a follow-up progress report shall be submitted every fourteen (14) days after the initial report of non-completion until the requirement is completed.

13. The Orders shall not be construed to address or identify any additional air contaminant issues other than odors. Ohio EPA reserves the right to take any action it deems necessary if it is determined that emissions generated by Respondent have, are, or will present any endangerment to public heath or safety or for other violations not explicitly mentioned herein.

14. These Orders shall serve as the resolution of the verified complaints submitted by Mr. Huth, the Tuscarawas County Commissioners, Village Council of the Village of Bolivar, Ohio, and the Lawrence Township Trustees, pursuant to ORC § 3745.08.

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 these Orders and the Chief of Ohio EPA's Division of Air Pollution Control 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."

This certification shall be submitted by Respondent to Ohio EPA and shall be signed by a responsible official of Respondent. For purposes of these Orders, a responsible official is the person authorized to sign in OAC Rule 3745-35-02(B)(1) for a corporation or a duly authorized representative of Respondent as that term is defined in the above-referenced rule.

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.

VIII. NOTICE

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

Air Pollution Control Division
Canton City Health Department
420 Market Avenue, North
Canton, Ohio 44702-1544
Attention: Dan Aleman

and to:

Ohio Environmental Protection Agency
Lazarus Government Center
Division of Air Pollution Control
122 South Front Street, P.O. Box 1049
Columbus, Ohio 43216-1049
Attention: Thomas Kalman

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

IX. RESERVATION OF RIGHTS

Nothing contained herein shall be construed to prevent Ohio EPA from seeking legal or equitable relief to enforce the terms of these Orders or from taking other administrative, legal or equitable action as deemed appropriate and necessary, including seeking penalties against Respondent for noncompliance with these Orders and/or for the violations described herein. Nothing contained herein shall be construed to prevent Ohio EPA from exercising its lawful authority to require Respondent to perform additional activities pursuant to ORC Chapter 3704 or any other applicable law in the future. Nothing herein shall restrict the right of Respondent to raise any administrative, legal or equitable claim or defense with respect to such further actions which Ohio EPA may seek to require of Respondent. Nothing in these Orders shall be construed to limit the authority of Ohio EPA to seek relief for violations not addressed in these Orders.

X. EFFECTIVE DATE

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

IT IS SO ORDERED :

Ohio Environmental Protection Agency

Joseph P. Koncelik
Director

9/6/06
Date