



**Environmental  
Protection Agency**

John R. Kasich, Governor  
Mary Taylor, Lt. Governor  
Scott J. Nally, Director

OHIO E.P.A.

MAY - 3 2012

ENTERED DIRECTOR'S JOURNAL

May 3, 2012

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.

Mr. Tony Furgiuele  
General Manager  
Republic Waste Services of Ohio III, LLC  
5131 Drinkle Road  
Amanda, OH 43102

By Dan Lassler Date 5-3-12

**Re: Closed Fairfield Sanitary Landfill, Fairfield County  
Ohio Administrative Code (OAC) Rule 3745-27-13 Authorization**

Dear Mr. Furgiuele:

On April 5, 2012, the Ohio Environmental Protection Agency (Ohio EPA), Division of Materials and Waste Management (DMWM), Central District Office (CDO) received a request pursuant to OAC Rule 3745-27-13 from Republic Waste Services of Ohio III, LLC (RWS), to update the gas collection and control system (GCCS) at the closed Fairfield Sanitary Landfill (Facility), located in Fairfield County. The Facility began operations in 1981 and was closed in 1997 and spans approximately 68 acres. Municipal, industrial, and commercial wastes were accepted at the Facility.

OAC Rule 3745-27-13 requires authorization from the Director of Ohio EPA (Director) prior to engaging in filling, grading, excavating, building, drilling, or mining activities on land where a solid waste facility was operated. Specifically, RWS proposes to convert the Facility's passive gas vents to gas wellheads and install gas collection pipes that will connect to a permitted flare station outside the Facility boundary at the Pine Grove Landfill.

Based upon a review of the request, I have determined, pursuant to OAC Rule 3745-27-13, that the proposed activities, if conducted in accordance with the request and the following conditions, will not result in a violation of applicable laws or regulations, will not create a nuisance, and are unlikely to adversely affect the public safety or health or the environment. Therefore, RWS is hereby authorized to perform the proposed activities in accordance with the plans, specifications, and information submitted as part of this request.

As part of this authorization, RWS is subject to the following conditions:

### CONDITIONS

1. This approval grants RWS authorization to perform activities at the Facility in accordance with the request titled "Rule 13 Submittal for Landfill Gas Collection and Control System Updates Fairfield Sanitary Landfill" submitted on April 5, 2012. All activities shall be conducted in strict accordance with the plans, specifications, and other information submitted which constitute this request. There may be no deviation from the approved request without prior written authorization from Ohio EPA. Any future activities at the Facility may require additional Ohio EPA approval.
2. The Director, or a representative authorized by the Director, may enter the Facility at any time to make inspections, conduct tests, or examine records and reports pertaining to the authorized activities.
3. All on-site activities shall be accomplished in compliance with all applicable state and federal laws and regulations pertaining to environmental protection, including but not limited to the control of air pollution, leachate, surface water run-on and run-off, and protection of ground water.
4. All activities undertaken shall not create a nuisance and shall not adversely affect public safety or health or the environment.
5. All solid and/or hazardous wastes to be removed from the Facility shall be containerized and securely stored until these materials are properly characterized and disposed in accordance with Ohio Revised Code (ORC) Chapter 3734 and the regulations promulgated thereunder.
6. All liquids, semi-solids, industrial wastes, and other wastes regulated by ORC Chapter 6111 that are removed during intrusive activities shall be containerized and securely stored until these materials are properly characterized and disposed in accordance with ORC Chapter 6111 and the regulations promulgated thereunder.
7. Pursuant to OAC Rule 3745-27-13(H)(4), prior to any removal of waste or contaminated soil from the Facility, RWS shall submit copies of sample analysis results, the treatment or disposal method selected, and a letter of acceptance from the treatment or disposal facility to Ohio EPA, DMWM, CDO.

8. RWS shall take measures to control fugitive dust and other air emissions that may result from activities authorized by this action.
9. All activities shall be performed in a manner that prevents migration of leachate, explosive gas, or toxic gas from the Facility.
10. In accordance with OAC Rule 3745-27-13(M), this authorization shall terminate three years after its effective date if the Facility has not begun the activities authorized herein.
11. Not later than sixty (60) days after completing the activities authorized through this approval, RWS shall submit to Ohio EPA, DMWM, CDO a certification report in accordance with OAC Rule 3745-27-13(H)(10).
12. In accordance with OAC Rule 3745-27-13(O), the Director may revoke this authorization if RWS violates, or is likely to violate, any applicable law or if the continued implementation of the approved plans may cause a threat to human health or safety or the environment.
13. Any portions of the Facility where the final cover system is removed or damaged by activities conducted pursuant to this authorization shall have the final cover system reestablished in accordance with the "Detailed Description of Procedures for Reestablishing Formal Closure" section of RWS' submittal pursuant to this request.
14. Nothing in this letter shall be construed to authorize any waiver from the requirements of any applicable federal or state laws or regulations. This authorization shall not be interpreted to release RWS, their appointed representative, or others from responsibility under ORC Chapters 3704, 3714, 3734, or 6111; under the Federal Clean Water Act, the Resource Conservation and Recovery Act, the Toxic Substances Control Act, or the Comprehensive Environmental Response, Compensation, and Liability Act; or from other applicable requirements for remedying conditions resulting from any release of contaminants to the environment.

#### **END OF CONDITIONS**

You are hereby notified that this action of the Director is final and may be appealed to the Environmental Review Appeals Commission (Commission) pursuant to ORC Section 3745.04. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. The appeal must be filed with the Commission within thirty (30) days after notice of the Director's action. The appeal

Mr. Tony Furgiuele  
General Manager, Republic Waste Services of Ohio III, LLC  
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must be accompanied by a filing fee of \$70.00, made payable to "Treasurer, State of Ohio," which the Commission, in its discretion, may reduce if by affidavit it is demonstrated that payment of the full amount of the fee would cause extreme hardship. Notice of the filing of the appeal shall be filed with the Director within three (3) days of filing with the Commission. Ohio EPA requests that a copy of the appeal be served upon the Ohio Attorney General's Office, Environmental Enforcement Section. An appeal may be filed with the Environmental Review Appeals Commission at the following address:

Environmental Review Appeals Commission  
77 South High Street, 17<sup>th</sup> Floor  
Columbus, Ohio 43215

If you have any questions, please contact Allan Hurtt of Ohio EPA, DMWM, CDO at (614) 728-3889.

Sincerely,



Scott J. Nally  
Director

cc: Jennifer Valentine, Fairfield Department of Health  
Scott Hester, DMWM-CO  
Allan Hurtt, DMWM-CDO