

OHIO E.P.A.
JAN - 9 2002
ENTERED DIRECTOR'S JOURNAL

Issuance Date: JAN 9 2002
Effective Date: JAN 9 2002

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

Waste Management, Inc.
1700 N. Broad Street
Fairborn, Ohio 45324

Director's Final
Findings and Orders

Pursuant to Ohio Revised Code (ORC) Section 3734.02(G), the Director of Environmental Protection (director) hereby makes the following findings and issues the following orders.

FINDINGS

1. Waste Management, Inc. (WMI) is the owner/operator of the Stony Hollow Recycling and Disposal Facility (RDF) located at 2460 South Gettysburg Avenue, Dayton, Ohio 45418.
2. On May 2, 2001, WMI submitted a request to use reject roofing tiles as a road base, stabilization base for the tipper, and a wet weather road base for its Stony Hollow RDF facility. Generated from Atlas Roofing Corporation, the roofing tiles were proposed to be handled in the following manner:
 - a. The material would be stockpiled within the approved limits of waste placement.
 - b. The material would be taken from the stockpile and spread over the roads using a dozer.
 - c. The material would be applied to the roads inside and outside the approved limits of waste placement.
3. OAC Rule 3745-27-01(B)(43) defines "solid waste" in part to mean unwanted solid waste resulting from industrial operations excluding materials resulting from construction or demolition activities. The roofing tiles described in Finding Number 2, above, are generated from an industrial operation and not from a construction or demolition activity. Therefore, the roofing tiles described in Finding Number 2, above, are solid wastes.
4. OAC Rule 3745-27-19(E)(22) requires the owner or operator to ensure that all solid waste admitted to the sanitary landfill facility is deposited at the working face and spread in layers not more than two feet thick.

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: John L. Clement Date: 1-9-02

5. The reject roofing tiles will be deposited at the Stony Hollow RDF in an area that is not the working face.
6. OAC Rule 3745-27-19(F) requires the owner or operator to apply daily cover to all exposed solid waste by the end of the working day to control fire hazards, blowing litter, odors, insects, vectors, and rodents within 24 hours after unloading the waste.
7. OAC Rule 3745-27-19(G)(1) requires the owner or operator to apply intermediate cover to all filled areas of the landfill facility where additional solid waste is not to be deposited for at least 30 days.
8. Pursuant to ORC Section 3734.02(G), the director may, by order, exempt any person generating, storing, treating, disposing of, or transporting solid wastes in such quantities or under such circumstances that, in the determination of the director, are unlikely to adversely affect the public health or safety or the environment from any requirement to obtain a permit or license or comply with other requirements of ORC Chapter 3734 and any rules adopted thereunder.
9. Exempting WMI from the requirement to 1) dispose of the reject roofing tiles at the landfill's working face, 2) apply daily cover, and 3) apply intermediate cover in areas where the reject roofing tiles will be used as road base, a stabilization base for the tipper, and a wet weather road base at its Stony Hollow RDF facility within the approved limits of waste placement is unlikely to adversely affect the public health or safety or the environment, provided it is performed in accordance with the request submitted on May 2, 2001, and the orders specified below.

ORDERS

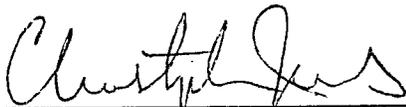
1. WMI is hereby authorized to temporarily store and to use roofing tiles generated from Atlas Roofing Corporation as a road base, a stabilization base for the tipper, and a wet weather road base within the approved limits of waste placement at its Stony Hollow RDF facility.
2. Pursuant to ORC Section 3734.02(G), WMI is hereby exempted from OAC Rule 3745-27-19(E)(22) which requires the disposal of the reject roofing tiles at the landfill's working face.
3. Pursuant to ORC Section 3734.02(G), WMI is hereby exempted from OAC Rule 3745-27-19(F) which requires the application of daily cover to areas where the reject roofing tiles will be used as road base, a stabilization base for the tipper, and a wet weather road base.
4. Pursuant to ORC Section 3734.02(G), WMI is hereby exempted from OAC Rule 3745-27-19(G)(1) which requires the application of intermediate cover to areas where the

reject roofing tiles will be used as road base, a stabilization base for the tipper, and a wet weather road base where no new reject roofing tiles will be placed after 30 days.

5. The authorization granted by Order Number 1, above, is subject to the following requirements:
 - a. The reject roofing tiles shall only be temporarily stored, placed on the roads, placed on the base for the tipper, and placed on wet weather roads; all of which shall be located within the landfill's approved limits of waste placement.
 - b. The reject roofing tiles shall be stored in a location that is within the landfill's approved limits of waste placement.
 - c. The stored reject roofing tiles shall be clearly marked with a sign.
 - d. The storage of the reject: roofing tiles shall not cause a nuisance.
 - e. The reject roofing tiles placed on the roads shall not cause a dust nuisance. A written contingency plan, detailing alternative methods of watering roads should the water truck be inoperable, shall be submitted to Ohio EPA's Southwest District Office before the reject roofing tiles are placed on the roads. The contingency plan shall be implemented if the water truck is inoperable.
 - f. The owner or operator shall notify the local fire department in writing of the amount of reject roofing tiles and the storage location of the tiles to be placed at the facility before the roofing tiles are brought to the facility. A copy of the notification to the local fire department shall be submitted to Ohio EPA's Southwest District Office and the Montgomery County Health District within one week of the notification to the local fire department.
 - g. WMI shall ensure that reject roofing tiles, or parts of roofing tiles, are not tracked onto Gettysburg Avenue.
6. The exemptions granted by Orders Number 2, 3, and 4, above, are subject to the following conditions:
 - a. The exemptions shall not apply to any solid waste other than the reject roofing tiles generated from Atlas Roofing Corporation as described in Finding Number 2, above.
 - b. The exemptions shall not apply to any reject roofing tiles that are accepted at the project site, and that, for whatever reason, are not used in the project. Any reject roofing tiles not used in this project shall be disposed of in accordance with all applicable regulations.

- c. The amount of roofing tiles from Atlas Roofing Corporation for use in this project shall not exceed 650 tons per month.
 - d. These orders shall expire six months after their effective date. Any unused reject roofing tiles stored on the facility at that time shall be disposed of in accordance with all applicable regulations within 60 days of the expiration of these orders.
 - e. If the use of the reject roofing tiles as a base for the haul roads, base for the tipper, or wet weather roads proves unsatisfactory to Ohio EPA or Montgomery County Health District, these orders may be revoked. Upon revocation, WMI shall cease the use of the reject roofing tiles and dispose of the material in accordance with all applicable regulations.
7. Not later than 60 days after completion of activities authorized by these orders, WMI shall submit notification to Ohio EPA and the Montgomery County Health District indicating the date the activities were completed. This notification shall include a summary of the total quantity in weight (tons) of reject roofing tiles used in accordance with these orders, and it shall include a discussion of the effectiveness of using the roofing tiles in the manner prescribed by these orders.
8. Nothing in these orders shall be construed to authorize any activity, method, or waiver from the requirements of ORC Chapter 3734 or the regulations promulgated thereunder, except as expressly provided herein. These Orders shall not be interpreted to release WMI from responsibility under ORC Chapters 3704, 3714, 3734, or 6111; under the Federal Clean Water 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.

IT IS SO ORDERED:



Christopher J. Ben-David
Director