

Issuance Date: \_\_\_\_\_

Effective Date: \_\_\_\_\_

**BEFORE THE  
OHIO ENVIRONMENTAL PROTECTION AGENCY**

In the Matter of:

Norton Environmental	:	
6200 Rockside Woods Blvd.	:	<u>Director's Final</u>
Independence, Ohio 44131	:	<u>Findings and Orders</u>

**I. JURISDICTION**

These Director's Final Findings and Orders ("Orders") are issued to Norton Environmental ("Norton") pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("ORC") Section 3734.02(G).

**II. PARTIES BOUND**

These Orders shall apply to and be binding upon Norton and successors in interest liable under Ohio law. No change in ownership of Norton or of the Facility, as hereinafter defined, shall in any way alter Norton'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 ("Director") has determined the following findings:

1. Norton is the owner of the Royalton Road Sanitary Landfill ("Facility"). The Facility is located at 3401 East Royalton Road (S.R. 82) in the City of Broadview Heights in Cuyahoga County, Ohio. The Facility is a sanitary landfill as defined in Ohio Administrative Code Rule 3745-27-01. Norton is required to conduct ground water monitoring activities at the Facility pursuant to OAC Rule 3745-27-10.
2. OAC Rule 3745-27-10(E)(5)(b) requires that certain groundwater samples be collected from assessment monitoring wells annually and semiannually. The

samples must be analyzed for parameters listed in Appendix I and II, and for constituents reported to the Director in accordance with OAC Rule 3745-27-10(E)(5)(c).

3. On March 16, 2006, Ohio EPA received a request, dated March 14, 2006, from Norton to prioritize analysis for the required constituents based on a sample collection order which will depend on the volume of sample water available after purging in monitoring wells WMW-3, MW4-97, and MW-16.
4. The March 14, 2006 request is supported by information showing that monitoring wells WMW-3, MW4-97, and MW-16 do not always produce enough sample water to analyze for all the parameters required by OAC Rule 3745-27-10(E)(5)(b).
5. Pursuant to ORC Section 3734.02(G) the Director, by order, may exempt any person generating, collecting, storing, treating, disposing of, or transporting solid wastes or hazardous waste, or processing solid wastes that consist of scrap tires, 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 registration certificate, permit, or license or comply with the manifest system or other requirements of this chapter.
6. Based upon a review of the March 14, 2006 request, granting Norton an exemption to prioritize analysis for the required constituents based on a sample collection order which will depend on the volume of sample water available after purging in monitoring wells WMW-3, MW4-97, and MW-16 is unlikely to adversely affect the public health or safety or the environment

#### **V. ORDERS**

1. Pursuant to ORC Section 3734.02(G), Norton is hereby exempted from the requirement that certain groundwater samples be collected from assessment monitoring wells WMW-3, MW4-97, and MW-16 annually and semiannually, and from the requirement that the samples be analyzed for parameters listed in Appendix I and II, and for constituents reported to the Director in accordance with OAC Rule 3745-27-10(E)(5)(c).
2. Norton is hereby authorized to prioritize analysis for the required constituents based on a sample collection order which will depend on the volume of sample water available after purging in monitoring wells WMW-3, MW4-97, and MW-16 and in accordance with the March 16, 2006 request.
3. In lieu of the requirement to collect groundwater samples from assessment monitoring wells WMW-3, MW4-97, and MW-16 at least semiannually and

analyzing the samples for all the parameters required in OAC Rule 3745-27-10(E)(5)(b), Norton shall collect semiannually as much water as available after purging assessment monitoring wells WMW-3, MW4-97, and MW-16.

4. Groundwater samples collected semiannually from assessment monitoring wells WMW-3, MW4-97, and MW-16 shall be analyzed in the following order: Appendix I volatile organic compounds, followed by ammonia, sulfate, chloride, nitrate-nitrite, total metals, and any other parameters for which sufficient water can be collected.
5. Nothing in these Orders shall be construed to authorize any waiver from the requirements of any applicable federal or state laws or regulations except as specified herein. These Orders shall not be interpreted to release Norton from responsibility under ORC Chapters 3704, 3714, 3734, or 6111; under the Federal Clean Water Act, the Resource Conservation and Recovery 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.

#### **VI. 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 Norton and/or the Facility.

#### **VII. 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 Norton for noncompliance with these Orders.

Nothing contained herein shall be construed to prevent Ohio EPA from exercising its lawful authority to require Norton to perform additional activities or to modify or revoke these Orders pursuant to ORC Chapter 3734 or any other applicable law in the future. Nothing herein shall restrict the right of Norton to raise any administrative, legal, or equitable claim or defense with respect to such further actions which Ohio EPA may seek to require of Norton. Nothing in these Orders shall be construed to limit the authority of Ohio EPA to seek relief for any violations which may occur at the Facility.

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**IT IS SO ORDERED**

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Chris Korleski, Director  
Ohio Environmental Protection Agency