



State of Ohio Environmental Protection Agency

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December 31, 2007

Mr. Clarke M. Lundell, P.E.
Republic Services, Inc.
Suite 2700
110 S. E. 6th Street
Fort Lauderdale, FL 33301

RE: Modification to November 7, 2007, Director's Final Findings and Orders

Dear Mr. Lundell:

Attached please find Director's Final Findings and Orders ("Orders") that modify the Director's Final Findings and Orders that were issued on November 7, 2007. The attached Orders follow discussions between Ohio EPA and Republic Services of Ohio, LLC ("Republic") regarding how the November 2007 Orders should be changed to require additional work in light of newly discovered conditions at the Countywide Landfill.

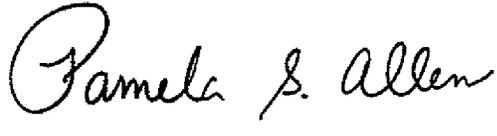
During our discussions, a key topic of concern involved when the required changes would need to be completed. Republic suggested conservative dates for the completion of work based on concerns about Ohio's winter weather, the installation of new technology and other factors that could delay the performance of the work. Although Ohio EPA believes that Republic can perform the required work sooner than required in the attached Orders, we have included the conservative dates to account for the possibility of bad weather and other concerns related to the installation of the new technology. However, please know that it is the Director's expectation that Republic will work to complete the required work sooner than otherwise required in the attached Orders, and that the Director intends to take a personal interest in monitoring Republic's efforts to promptly complete the work required by the attached Orders.

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

Mr. Clarke Lundell
Page Two

Should you have any questions, I can be reached at 614-644-2621.

Sincerely,


for

Ed Gortner, DSIWM Enforcement Coordinator
Ohio EPA

CK/GG/sw

cc: DSIWM Civil Enforcement Files, CO
Pamela Allen, Chief, DSIWM
Jeff Hurdley, Legal
Kurt Princic, DSIWM-NEDO
Kirk Norris, Stark County Health District
Tim Vandersall, Countywide RDF
Todd Hamilton, Countywide RDF

ec: Michael Beaudoin

OHIO E.P.A.

DEC 31 2007

ENTERED DIRECTOR'S JOURNAL

**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

In the Matter Of:

Republic Services of Ohio II, LLC
dba Countywide Recycling and
Disposal Facility
110 S.E. 6th Street
Ft. Lauderdale, FL 33301

Director's Final Findings
and Orders

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.

Respondent

By: [Signature] Date: 12/31/07

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to Republic Services of Ohio II, LLC, dba Countywide Recycling and Disposal Facility ("Respondent") pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code Sections 3734.13 and pursuant to Section V. Paragraph 9 of the March 28, 2007 Director's Final Findings and Orders.

II. PARTIES BOUND

These Orders shall apply to and be binding upon Respondent and its successors in interest liable under Ohio law. No change in ownership of 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 Chapters 3734 and the rules promulgated thereunder.

IV. FINDINGS

The Director of Ohio EPA has determined the following findings:

1. Countywide Recycling and Disposal Facility ("Facility") is located at 3619 Gracemont Street SE, East Sparta, Stark Countywide, Ohio.
2. Respondent is the "owner" and "operator of the Facility as those terms are defined in Ohio Administrative Code ("OAC") Rule 3745-27-01(O)(7) and (O)(5), respectively, and is also the license holder for the Facility.
3. The Facility is a "sanitary landfill facility" as that term is defined under OAC Rule 3745-27-01(S)(4) and is authorized to accept "solid waste" as that term is defined under ORC Section 3734.01(E) and OAC Rule 3745-27-01(S)(24). On June 2, 2003 the Director issued to Respondent an expansion permit to install #02-14796.
4. Respondent is a "person" as that term is defined in ORC Section 3734.01(G) and in OAC Rule 3745-27-01(P)(3).
5. The Facility is a "municipal solid waste landfill" or "MSW landfill" as defined in 40 CFR 60.751. The Facility is an "air contaminant source" as defined in OAC Rules 3745-31-01(I) and 3745-15-01(C) and (W). The Facility is subject to the requirements of permit to install modification #15-01391 issued by the Director to Respondent on May 10, 2005, and a Title V operating permit issued by the Director to Respondent on August 30, 2004. Respondent is the permittee, under, and permit holder of, those permits.
6. Ohio EPA issued Director's Final Findings and Orders to Respondent on March 28, 2007 (March 2007 Orders). The March 2007 Orders required Respondent to complete certain actions to control a subsurface fire and offensive odors coming from the Facility. Pursuant to Section V. Paragraph 9 of the March 2007 Orders, the Director may select "a remedial action, or any combination of remedial actions" to extinguish the subsurface fire at the Facility. Pursuant to Section XVII. of the March 2007 Orders, Respondent waived "the right to appeal the issuance, terms and conditions, and service of the (March 2007) Orders, including but not limited to any rights" it may have to appeal "final actions issued by Ohio EPA pursuant to these (March 2007) Orders" selecting remedial actions:
7. On October 1, 2007, the Director of Ohio EPA selected an interim remedial action consisting of a fire break between Cells 8(A) and 8(B) at the Facility. The purpose of that remedial action was to cut off the potential spread of the fire at the Facility

and thus limit the area of concern for purposes of subsequent remedial actions aimed at extinguishing the fire.

8. On November 7, 2007, the Director selected the first in a series of remedial actions aimed at extinguishing the fire at the Facility ("the November 2007 Orders"). The November 2007 Orders were specifically designed to reduce liquid in the EGEWs and the waste mass that is perpetuating the rapid oxidation of the aluminum production waste and releasing significant amounts of heat.
9. Respondent began implementing the November 2007 Orders, but encountered conditions at the Facility which indicated that some of the provisions of the November 2007 Orders needed to be altered in view of the newly-discovered conditions at the Facility, or needed to be enhanced to require more work than was required under the November 2007 Orders. In particular, Respondent found that the recharge behavior of liquid in certain EGEWs is very high.
10. In light of information obtained as a result of implementation of the November 2007 Orders, the Director issued orders to Respondent on December 6, 2007 (the "December 2007 Orders"). In those December 2007 Orders, the Director suspended the time frames for compliance for some of the provisions of the November 2007 Orders to allow for consideration of how the November 2007 Orders might be amended to require more work than was initially required.
11. The Director has determined that the December 2007 Orders have been fully complied with and therefore should be terminated, and that the November 2007 Orders should be modified to require additional work in light of the newly discovered conditions at the Facility.

V. ORDERS

The December 6, 2007 Orders are hereby terminated. In addition, the November 2007 Orders are hereby modified as follows:

1. Section III. Definitions of the November 2007 Orders is modified to add the following new definitions:
 - "C. The term "Accessible Gas Extraction Well" (AGEW) shall mean those vertical EGEWs that are not impeded by physical conditions that prohibit prescribed dewatering activities to be performed or achieved.
 - D. The term "Gas Extraction Well Achievable Drawdown" shall mean a specific dewatering activity designed to maximize the exposure of well perforations

and achieve the lowest practical liquid level within an AGEW. At a minimum, the dewatering activity shall follow the below process or a variation thereof:

- Dewater to 5 feet above sounded bottom of the AGEW;
- If not dewatered to 5', pump one working shift for every 10' of standing liquid;
- If not dewatered to 5', pump for 24 hours of sustained run time; and
- Perform water level sounding, record liquid level within the AGEW.

E. The term "Baseline Gas Flow" shall mean a one-time event that follows all proposed enhancements to the EGES that have been implemented during which maximum optimized gas flow is measured from an AGEW that has met the achievable drawdown standard while maintaining compliance with Section V. Orders, Paragraph 4(B) of the March 2007 Orders. At a minimum, the baseline flow measurement will follow the below process or a variation thereof:

- Verify Gas Extraction Well Achievable Drawdown for all AGEW;
- Vertical Temperature Analysis as used in Order 4(A)(7) of the March 28, 2007 Orders for all AGEW under this Order;
- Balance/tune the EGES; and
- Measure gas flow per AGEW.

F. The term "Monthly" shall mean a frequency of once per calendar month that includes all days contained therein.

G. The term "Vertical Relief Well" shall mean a 12" to 18" diameter vertical well casing primarily designed for liquid, pressure and gas reduction and/or extraction purposes installed to a total depth of 15 feet above the liner."

2. Paragraph 2 of Section V. Orders of the November 2007 Orders is modified to read as follows:

"2. Not later than January 7, 2008, Respondent shall submit a Relief Well Installation Work Plan to Ohio EPA for review and approval in accordance with the provisions of Section VI., Review of Submittals, of the March 2007 Orders detailing the installation of four large diameter vertical relief wells designed to remove high volumes of liquid within the Facility. These relief wells shall be designed to penetrate the entire waste mass less 15 feet from the bottom liner elevation. Respondent's Relief Well Installation Work Plan shall further include an evaluation of appropriate drilling methods, well casing material, slot size in the well casing, length of slots, depth of the wells, well diameter, liquid removal pumps, well pack, location of the four wells, provisions for the installation of thermistors along the well casing, management of investigation derived waste, schedule for installation of the

relief wells, and health and safety provisions for conducting the work.

Respondent's schedule must indicate that 2 of the 4 relief wells will be installed no later than February 29, 2008, unless an alternative date is established pursuant to Section XII: In-Field Adjustments."

3. Paragraph 3 of Section V. Orders of the November 2007 Orders is modified to read as follows:

"3. Not later than January 14, 2008, Respondent shall submit a Dewatering and EGES Enhancement Work Plan to Ohio EPA for review and approval in accordance with the provisions of Section VI., Review of Submittals, of the March 2007 Orders.

Respondent shall undertake dewatering activities in any AGEW that has greater than 5 feet of liquid. The dewatering activities required by these Orders shall be initially limited to those wells not listed in Appendix A, attached hereto and incorporated herein. The Dewatering and EGES Enhancement Work Plan shall include dewatering pump installation, identification of priority EGEWs, procedures for performing dewatering activities for those wells listed in Appendix A except as otherwise provided by Ohio EPA in writing, establishment of achievable drawdown in the EGEWs, construction of infrastructure capable of supporting the EGES and any improvements, relocation of the EGES flares, overall EGES efficiency improvements, establishment of a baseline gas flow, management of investigation derived waste, a schedule for installation of the work, and health and safety provisions for conducting the work.

Respondent's Dewatering and EGES Enhancement Work Plan schedule must indicate that:

- A. Installation of 37 additional dewatering pumps in EGEWs will be completed no later than February 15, 2008, unless an alternative date is established pursuant to Section XII: In-Field Adjustments;
- B. Construction of infrastructure associated with the 37 additional dewatering pumps will be completed no later than February 15, 2008, unless an alternative date is established pursuant to Section XII: In-Field Adjustments; and
- C. Installation and testing of new air compressors will be completed no later than January 31, 2008, unless an alternative date is established pursuant to Section XII: In-Field Adjustments."

4. Paragraph 4 of Section V. Orders of the November 2007 Orders is modified to read as follows:

"4. Unless otherwise altered pursuant to Section XII: In-Field Adjustments, Respondent shall monthly obtain vertical temperature profiles and samples of the liquid contained within each AGEW with greater than 5 feet of liquid and shall analyze the chemical composition of the liquid in each AGEW for the following parameters:

- A. Hexylene Glycol, Ethylene Glycol Monobutyl Ether, Diethylene Glycol Monobutyl Ether, Dipropylene Glycol Monomethyl Ether, Propylene Glycol (1,2-Propanediol) using EPA Method 8015;
- B. Anionic Surfactants as Methyl Blue Active Substances (MBAS) using EPA Method 5540; and
- C. All analytes identified in OAC Rule 3745-27-10 Appendix I, aluminum, fluoride, and any additional VOCs detected by EPA Method 8260.

Respondent shall provide Ohio EPA 3 days advance notice of any anticipated sampling, as well as allow Ohio EPA personnel to be present during the sampling to obtain split samples. Respondent shall provide the analytical results required by this Order to Ohio EPA within 35 days after the sampling event."

5. Paragraph 5 of Section V. Orders of the November 2007 Orders is modified to read as follows:

"5. Beginning the first week of January 2008, Respondent shall submit Weekly Progress Reports detailing all activities undertaken in accordance with these Orders. Respondent's Weekly Progress Reports shall be due to Ohio EPA by the close of business on each Friday and shall detail all activities that have been completed during the week and all activities anticipated to be undertaken in the upcoming week. Since the deadlines for the performance of work under these Orders were based on conservative assumptions that included the possibility of bad weather and potential material and labor supply problems, Respondent shall make an effort to expedite planned activities should weather or other factors allow.

Upon completion of all the work required under these Orders, Respondent shall submit to Ohio EPA, for review and approval in accordance with the provisions of Section VI., Review of Submittals, of the March 2007 Orders, a Dewatering Orders Final Report that summarizes the work performed under these Orders and the results of that work."

6. The November 2007 Orders are modified to add the following appendix:

"Appendix A. EGEWs temporarily excluded from the Scope of these Orders

Item No.	EGEWs North of 25,000 (Alias Well ID)
1	PW 301
2	PW 302
3	PW 303
4	PW 304
5	PW 305
6	PW 306
7	PW 308
8	PW 309
9	PW 310
10	PW 311
11	PW 312
12	PW 313
13	PW 314
14	PW 325
15	PW 326
16	PW 330
17	PW 331
18	PW 325
19	PW 328

Item No.	EGEWs With Stingers (Alias Well ID)
1	P 1
2	Y 1
3	Z 1
4	H 1
5	I 1
6	J1-M
7	U 1
8	Q 1
9	W 56 RM

Item No.	EGEWs East of Haul Road (Alias Well ID)
1	W 2 (Abandoned)
2	W 2R(M)
3	W 3
4	W 32
5	W 58
6	W 58R
7	PW 168 (M)
8	PW 12R
9	W 12 (Abandoned)
10	W 13 (Abandoned)
11	W 4
12	W 5
13	W 6
14	W 7
15	W 8
16	W 9
17	PW 110
18	W 10
19	W 33
20	W 35
21	W 36
22	W 37
23	W 68
24	PW 109
25	W 38
26	W 34
27	PW 112
28	W 60
29	PW 111
30	W 11
31	W 39
32	W 69
33	PW 169
34	W 59

Item No.	Remote EGEWs (Alias Well ID)
1	N 1
2	T 1
3	PW 133
4	PW 134
5	PW 135
6	PW 136
7	PW 137
8	PW 138
9	PW 143
10	W 10 (E. Of Haul Rd)
11	B 1
12	PW 301 (N. of 25,000)
13	W 6 (E. of Haul Road)

7. The November 2007 Orders are modified to add the following new Section:

"XII. In-Field Adjustments

As a result of implementing and performing field work associated with these Orders, Respondent may request certain in-field adjustments from the timeframes and other requirements associated with implementing these Orders. In order to receive these in-field adjustments, Respondent shall submit any requested adjustments in writing to Ohio EPA's Division of Solid and Infectious Waste Management (DSIWM) Enforcement Coordinator. Respondent shall not implement requested in-field adjustments until written approval for the requested in-field adjustments is provided to Respondent by Ohio EPA's DSIWM Enforcement Coordinator."

8. All other provisions of the November 2007 Orders shall remain unchanged and in full force and affect.

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, Respondent's 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 or the Facility.

Where any portion of the work required by these Orders requires a permit or approval, Respondent shall timely submit applications and take all other actions necessary to obtain such permits or approvals. Except as expressly provided herein, these Orders are not, and shall not be construed to be, a permit, exemption or variance issued pursuant to any statute or rule.

IX. NOTICE

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

Ohio Environmental Protection Agency
Central Office
Division of Solid and Infectious Waste Management
Attn: DSIWM Enforcement Coordinator
PO Box 1049
Columbus, Ohio 43216-1049

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

X. 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. Nothing contained herein shall be construed to prevent Ohio EPA from exercising its lawful authority to require Respondent to perform additional activities pursuant to the March 2007 Orders, ORC Chapters 3734, 3704, or any other applicable law in the future.

XI. 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



Chris Korleski, Director