



John R. Kasich, Governor  
Mary Taylor, Lt. Governor  
Craig W. Butler, Director  
January 6, 2015

Republic Services, Inc.  
18500 North Allied Way  
Phoenix, Arizona 85054

**Re: Williams County Landfill  
Non-permit Related Exemptions  
Approval  
Municipal Solid Waste Landfills  
Williams County  
MSWL018805**

**Subject:** Final Findings and Orders

Dear Sir or Madam:

Transmitted herewith are the Final Findings and Orders of the Director concerning the matter indicated for Republic Services Inc.

You are hereby notified that this action of the Director of Ohio EPA (Director) is final and may be appealed to the Environmental Review Appeals Commission pursuant to Section 3745.04 of the Ohio Revised Code. 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 must be accompanied by a filing fee of \$70.00 made payable to "Treasurer, State of Ohio." The Commission, in its discretion, may reduce the fee 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 St., 17<sup>th</sup> Floor  
Columbus, Ohio 43215

If you have any questions, please contact Robin Nichols at (614) 644-3037.

Sincerely,

Brian Dearth, Administrative Officer 1  
Division of Materials & Waste Management

Enclosure

cc: Robin Nichols, Legal  
Jeff Hurdley, Legal  
John Pasquarette, NWDO, DMWM

ec: Jeremy Carroll, CO, DMWM  
Brad Mitchell, CO, DMWM

**BEFORE THE  
OHIO ENVIRONMENTAL PROTECTION AGENCY**

OHIO E.P.A.  
JAN -6 2015  
ENTERED DIRECTOR'S JOURNAL

In the Matter Of:

Republic Services, Inc.	:	<u>Director's Final Findings</u>
18500 North Allied Way	:	<u>and Orders</u>
Phoenix, Arizona 85054	:	

**Respondent**

**I. JURISDICTION**

These Orders are issued to Republic Services, Inc. ("Respondent") pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("ORC") Sections 3734.02(G) 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 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 Chapter 3734 and the rules promulgated thereunder.

**IV. FINDINGS**

The Director of Ohio EPA has determined the following findings:

1. Respondent is the owner and operator, as those terms are defined in OAC Rule 3745-27-01(O), of the Williams County Landfill located at 12604 County Road G, Bryan, Williams County, Ohio 43506 (the "Facility").
2. The Facility was licensed as a solid waste disposal facility, as that term is defined in OAC Rule 3745-27-01(S)(24). The most recent license for the Facility was issued on December 30, 2013 and expired on December 31, 2014.

3. On December 19, 2014, Ohio EPA conducted an inspection of the Facility and did not observe any violations. This was documented in a letter of compliance to Respondent dated December 29, 2014.
4. On January 5, 2015, Respondent submitted an application for a 2015 license for the Facility.
5. Pursuant to ORC Section 3734.05(A)(1), the application for a license to continue to operate a solid waste facility shall be submitted not later than "the last day of September of the year preceding that for which the license is sought." Similarly, Ohio Administrative Code ("OAC") Rule 3745-37-02(D)(3) requires that an application for a solid waste facility license be submitted "[d]uring the month of September, if the licensed facility will continue operations beyond December thirty-first." OAC Rule 3745-37-02(D) further provides that "[a]ny license application not filed in the manner set forth in paragraph (D) of this rule shall not be considered."
6. OAC Rule 3745-27-11(C) requires that an owner or operator of a solid waste facility begin final closure of a solid waste facility "no later than seven days after...[a] solid waste disposal license issued for the sanitary landfill facility has expired, and a renewal license has not been applied for in the manner prescribed in Chapter 3745-37 of the Administrative Code." As such, Respondent is required to begin final closure activities at the Facility not later than January 7, 2015.
7. Pursuant to ORC Section 3734.02(G), the Director may, by order, exempt any person collecting, storing, or disposing of solid waste from any requirement of ORC Chapter 3734, if, in the determination of the Director, it is unlikely that the public health or safety or the environment will be adversely affected thereby. Any such exemption shall be consistent with and equivalent to rules promulgated under the Resource Conservation and Recovery Act of 1976, 90 Stat. 2806, 42 U.S.C. Section 6921, *et seq.*, as amended.
8. On January 5, 2015, Respondent sent electronic correspondence to Ohio EPA indicating that its failure to timely submit an application for a 2015 license application was a clerical error. Respondent indicated that the Facility has temporarily ceased operating until it is able to obtain a valid license and also that it would be "conducting a cause analysis to determine exactly how this occurred and how it can be prevented from occurring again."

9. Pursuant to ORC Section 3734.02(G) the Director has determined that allowing Respondent to continue to operate the Facility and exempting Respondent from the requirement to apply for its 2015 solid waste facility license for the Facility not later than September 30, 2014, as well as the requirement to implement closure of the Facility after expiration of its license on December 31, 2014, is unlikely to adversely affect public health or safety or the environment.

#### **V. ORDERS**

The Director hereby issues the following Orders:

1. Respondent is hereby exempted from the requirement to submit its 2015 license application for the Facility by September 30, 2014, as set forth in ORC Section 3734.05(A)(1) and OAC Rule 3745-37-02(D).
2. Respondent is hereby exempted from the requirement in OAC 3745-27-11(C) to commence closure activities at the Facility no later than January, 7, 2015, as a result of the expiration of its 2014 license.
3. Upon issuance to Respondent of a valid 2015 license for the Facility, Respondent may resume acceptance of waste and other disposal activities at the Facility in compliance with its authorizing documents and ORC Chapter 3734 and the rules promulgated thereunder.
4. Except as otherwise expressly provided herein, Respondent shall comply with all other applicable requirements of ORC Chapter 3734 and the rules adopted thereunder.

#### **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 Respondent.

#### **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 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

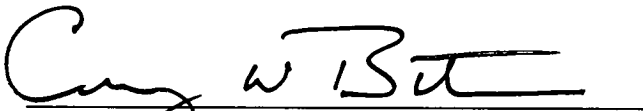
perform additional activities pursuant to ORC Chapter 3734 or any other applicable law in the future. Nothing herein shall restrict the right of Respondent to raise any administrative, legal or equitable claim or defense with respect to such further actions which Ohio EPA may seek to require of Respondent. Nothing in these Orders shall be construed to limit the authority of Ohio EPA to seek relief for violations not addressed in these Orders.

#### VIII. 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**

A handwritten signature in black ink, appearing to read "Craig W. Butler", is written over a horizontal line.

Craig W. Butler  
Director