



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

April 25, 2014

Certified Mail

Republic Services, Inc.  
Cherokee Run Landfill  
2946 U.S. Route 68 North  
Bellefontaine, Ohio 43311

Re: Cherokee Run Landfill  
Director's Authorization  
Approval  
Municipal Solid Waste Landfills  
Logan County  
MSWL018815

Dear Sir or Madam:

Transmitted herewith are Final Findings & Orders of the Director concerning the matter indicated.

You are hereby notified that this action of the 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 if by affidavit you demonstrate 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, OH 43215

Sincerely,

A handwritten signature in black ink, appearing to read "Brian Dearth". The signature is written in a cursive style and is positioned above the printed name.

Brian Dearth  
Administrative Processing Unit

Enclosure:

ec: Tracy Buchanan, Russ Brown, Karen Bush, Monte Bluebaum DMWM, SWDO  
John McGinnis, Megan Marhelski, DDAGW, SWDO  
Steve White, Republic Services  
Tom Covrett, CEC Inc.

cc: Craig Kauffman, Logan County Health Department

OHIO E.P.A.

Issuance Date: APR 25 2014

APR 25 2014

Effective Date: APR 25 2014

ENTERED DIRECTOR'S JOURNAL

**BEFORE THE  
OHIO ENVIRONMENTAL PROTECTION AGENCY**

In the matter of:

Republic Services, Inc.  
Cherokee Run Landfill  
2946 U.S. Route 68 North  
Bellefontaine, Ohio 43311

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Director's Final Findings  
and Orders

**I. JURISDICTION**

These Director's Final Findings and Orders (Orders) are issued to Republic Services, Inc. (Republic) pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency (Ohio EPA) under Ohio Revised Code (ORC) Section 3734.02(A) and Ohio Administrative Code (OAC) Rule 3745-27-03(C).

**II. PARTIES BOUND**

These Orders shall apply to and be binding upon Republic and successors in interest liable under Ohio law. No change in ownership of Republic or of the Facility as hereinafter defined shall in any way alter Republic'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. Republic is the owner, operator and license holder of the Cherokee Run Landfill (Facility) located at 2946 U.S. Route 68 North, Bellefontaine, Ohio.
2. The Facility is a "Facility" as defined under ORC Section 3734.01(N) and a "sanitary landfill facility" as defined under OAC Rule 3745-27-01(S)(4).
3. Republic is currently operating the Facility pursuant to Permit to Install (PTI) No.

664806, effective June 20, 2011.

4. The Facility is required to comply with the ground water monitoring rules as prescribed in OAC Rule 3745-27-10.
5. On February 19, 2014, Republic submitted a request (Variance Request) to Ohio EPA for the implementation of the background ground water quality sampling that will be performed at the Facility's Non-Contiguous Lateral Expansion (NCLE). To better account for seasonal and temporal variability, Republic is requesting authorization to spread collection of background ground water quality data over a two-year period rather than the one-year period required under the ground water monitoring rules. Republic proposes to begin the data collection in April/May 2014 rather than waiting until April 2015, when waste placement is anticipated, as allowed by the rules. Republic has requested relief from seven specific provisions of OAC Rule 3745-27-10, "Ground Water Monitoring Program for a Sanitary Landfill", as enumerated below.
6. OAC Rule 3745-27-10 states, in part:

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(C) The owner or operator shall comply with the following requirements regarding ground water sampling, analysis, and statistical methods.

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(C)(6) Statistical methods. Within ninety days of completing collection of the eight background samples necessary to comply with paragraphs (D)(5)(a)(ii) and (D)(5)(b)(ii) of this rule but no later than four hundred fifty days after implementing the ground water monitoring program, the owner or operator shall specify one of the following statistical methods to be used in evaluating ground water monitoring data...

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(D) Ground water detection monitoring program. The owner/operator shall comply with the following requirements regarding ground water detection monitoring:

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(D)(5) Monitoring parameters, frequency, location. The owner or operator

shall monitor the ground water monitoring well system in accordance with the following:

- (a) For monitoring wells screened within the uppermost aquifer system beneath the sanitary landfill facility, the owner or operator shall, during the active life of the facility (including final closure) and the post-closure care period, monitor the wells:

• • •

- (ii) At least semiannually by collecting the following samples:

- (a) During the initial one hundred and eighty days after implementing the ground water detection monitoring program (the first semiannual sampling event), a minimum of four independent samples must be collected from each monitoring well screened in the uppermost aquifer system (background and downgradient) and analyzed for the parameters specified in paragraph (D)(5)(a)(i) of this rule. The owner or operator shall collect and analyze for the parameters specified in paragraph (D)(5)(a)(i) of this rule, by collecting a minimum of eight independent background samples during the initial year of sampling to use for the statistical analysis provisions of this rule. The owner or operator of a sanitary landfill facility with an existing ground water monitoring system, may use existing data to meet the provisions of this paragraph provided the information required pursuant to paragraph (C) of this rule is available.

- (b) Beginning one year after implementing the ground water detection monitoring program and continuing during subsequent semiannual sampling events, at least one sample from each monitoring well screened in the uppermost aquifer system (background and downgradient) must be collected and analyzed for the parameters specified in paragraph (D)(5)(a)(i) of this rule.

- (iii) Beginning with receiving the results from the first monitoring event collected pursuant to paragraph (D)(5)(a)(ii)(b) of this rule and semiannually thereafter, by statistically analyzing the results from wells screened in the uppermost aquifer system for the parameters specified in paragraph (D)(5)(a)(i) of this rule.
- (b) For monitoring wells not screened in the uppermost aquifer system at the sanitary landfill facility, the owner or operator shall, during the active life of the facility (including final closure) and the post-closure care period, monitor the wells:
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- (ii) At least semiannually by collecting the following samples:
    - (a) During the initial one hundred and eighty days after implementing the ground water detection monitoring program (the first semiannual sampling event), a minimum of four independent samples must be collected from each monitoring well not screened in the uppermost aquifer system (background and downgradient) and analyzed for the parameters specified in paragraph (D)(5)(b)(i) of this rule. The owner or operator shall collect and analyze for the parameters specified in paragraph (D)(5)(b)(i) of this rule, by collecting a minimum of eight independent background samples during the initial year of sampling to use for the statistical analysis provisions of this rule. The owner or operator of a sanitary landfill facility with an existing ground water monitoring system, may use existing data to meet the provisions of this paragraph provided the information required pursuant to paragraph (C) of this rule is available.
    - (b) Beginning one year after implementing the ground water detection monitoring program and during subsequent semiannual sampling events, at least one sample from each monitoring well not screened in the uppermost aquifer system (background and downgradient) must be collected and analyzed for the

parameters specified in paragraph (D)(5)(b)(i) of this rule.

- (iii) Beginning with receiving the results from the first monitoring event collected pursuant to paragraph (D)(5)(b)(ii)(b) of this rule and at least semiannually thereafter, by statistically analyzing the results from wells not screened within the uppermost aquifer system for the parameters specified in paragraph (D)(5)(b)(i) of this rule.
7. In lieu of the requirements of OAC Rule 3745-27-10(D)(5)(a)(ii)(a) and (D)(5)(b)(ii)(a), Republic proposes to collect four independent background samples during the initial year, including three within the first one hundred eighty days, and all eight independent background samples within two years of implementing the sampling program rather than within one year of implementing the sampling program as required by the rules. Republic believes that collecting background data over a longer period will allow for the establishment of a more representative background database that better accounts for seasonality in natural ground water quality. Because waste placement is not anticipated to occur in the NCLE until approximately April of 2015, Republic is essentially proposing to begin collecting background ground water samples about a year earlier than would be required under the rules while still completing all eight background sampling events by about the same time (April/May of 2016).
  8. In lieu of the requirements of OAC Rule 3745-27-10(C)(6), Republic proposes to identify the statistical method to be used for evaluating ground water quality data within 90 days after collecting the eighth background sample following the two year background sample collection period but not within 450 days of implementing the ground water monitoring program as required by rule. Relief from the 450-day requirement of this rule is necessary to accommodate the extended background data collection period.
  9. In lieu of the requirements of OAC Rule 3745-27-10(D)(5)(a)(ii)(b) and (D)(5)(b)(ii)(b), Republic proposes to delay the first post-background sampling event to occur approximately two years after implementing the ground water detection monitoring program rather than after one year as required by the rules. Under the variance, Republic would still conduct the first post-background sampling event at approximately the same time (about one year after waste placement begins in the NCLE) as they would without the variances.

10. Republic also requested a variance from OAC Rules 3745-27-10(D)(5)(a)(iii) and (D)(5)(b)(iii) which require that the results from well samples be statistically analyzed beginning with receipt of the sample results from the first monitoring event conducted pursuant to OAC Rules 3745-27-10(D)(5)(a)(ii)(b) and (D)(5)(b)(ii)(b). But, because the variances granted in Order 1 below authorize a delay in conducting the first monitoring event pursuant to OAC Rules 3745-27-10(D)(5)(a)(ii)(b) and (D)(5)(b)(ii)(b) from one year after implementing the sampling program to two years after implementing the sampling program [the trigger for statistically analyzing the monitoring results under OAC Rule 3745-27-10(D)(5)(a)(iii) and (D)(5)(b)(iii)], a variance is not necessary from the provisions of these rules.
11. Pursuant to ORC Section 3734.02(A) and OAC Rule 3745-27-03(C), the Director may grant a variance if the facility demonstrates to the director's satisfaction that construction, operation, closure activities, and/or post-closure activities of the solid waste facility in the manner approved by the variance and any terms or conditions imposed as part of the variance will not create a nuisance or a hazard to the public health or safety or the environment and are unlikely to result in a violation of any other requirements of Chapters 3704, 3714, 3734, and 6111 of the Revised Code and any rules adopted thereunder.
12. Ohio EPA staff from the Division of Materials and Waste Management and the Division of Drinking and Ground Waters have had extensive discussions with Republic regarding their proposal to extend the background ground water monitoring data collection period and delay other associated requirements for the Facility's NCLE. Based on those discussions and a review of the Variance Request, Ohio EPA has determined that granting Republic variances from the OAC Rules stated will not create a nuisance or a hazard to the public health or safety or the environment and is unlikely to result in a violation of any other requirements of ORC Chapters 3704, 3714, 3734, and 6111 and any rules adopted thereunder provided Republic performs the activities in accordance with the Variance Request and these Orders.

#### **V. ORDERS**

1. Pursuant to ORC Section 3734.02(A) and OAC Rule 3745-27-03(C), Republic is hereby granted variances from the specific requirements of OAC Rules 3745-27-10(C)(6), (D)(5)(a)(ii)(a), (D)(5)(a)(ii)(b), (D)(5)(b)(ii)(a), and (D)(5)(b)(ii)(b) as enumerated in the Variance Request and the above Findings such that Republic may extend the background ground water monitoring data collection period and delay other associated requirements for the background ground water monitoring program for the Facility's NCLE.

2. Republic shall collect eight (8) ground water samples from nineteen (19) monitoring wells as part of the background ground water sampling program for the NCLE. The nineteen (19) monitoring wells include fourteen (14) wells installed in the uppermost aquifer system (UAS) and five (5) wells installed in significant zones of saturation (SZS).
3. Republic shall collect the eight (8) background samples from all nineteen (19) monitoring wells on a quarterly basis. The first four (4) background samples shall be collected within the first year after implementing the ground water detection monitoring program (the first background sampling event) and the remaining four (4) background samples shall be collected during the second year after implementing the ground water detection monitoring program.
4. During the background sampling period, Republic shall analyze the ground water samples collected from the fourteen (14) UAS wells for Appendix I parameters 1 through 66 in accordance with OAC Rule 3745-27-10(D)(5)(a)(ii)(b).
5. During the background sampling period, Republic shall analyze the ground water samples collected from the five (5) SZS wells for Appendix I parameters 18, 25, 33, 61, 63, 64, 65, and 66 in accordance with OAC Rule 3745-27-10(D)(5)(b)(ii)(b).
6. Not later than ninety (90) days after the start of the eighth background sampling event, Republic shall specify the statistical method to be used in evaluating ground water monitoring data, as required by OAC Rule 3745-27-10(C)(6), and shall submit an updated statistical analysis plan for the Facility.
7. Republic shall statistically analyze the ground water quality results not later than two (2) years after implementing the ground water detection monitoring program.
8. Republic shall analyze the ground water samples from the nineteen (19) monitoring wells for constituents listed in Appendix I of OAC Rule 3754-27-10 at least annually during the background sampling period.
9. Beginning two (2) years after implementing the ground water detection monitoring program, and during subsequent spring semi-annual sampling events, Republic shall measure the water level in each of the nineteen (19) monitoring wells. The water level measurements shall be used to annually demonstrate that all monitoring wells that are located hydraulically downgradient of waste placement are being monitored, in accordance with OAC Rule 3745-27-10. The demonstration shall be provided in the spring semi-annual ground water monitoring report.
10. Prior to the placement of waste in new cells (excluding Cell 1A), Republic shall provide supporting documentation to the Division of Materials and Waste Management to demonstrate that the initial background ground water quality data



collected in accordance with these Orders are still valid and representative of background ground water quality at the time of waste placement in each new cell. The demonstration shall be provided not later than ninety (90) days prior to waste placement in each new cell.

11. These variances will remain in effect throughout the effective period of PTI No. 664806 unless otherwise revoked by Ohio EPA.

#### **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 Republic.

#### **VII. RESERVATION OF RIGHTS**

Ohio EPA reserves all rights, privileges, and causes of action. Nothing contained herein shall be construed to prevent Ohio EPA from exercising its lawful authority to require Republic to perform additional activities pursuant to ORC Chapter 3734 or any other applicable law in the future.

**IT IS SO ORDERED:**

**Ohio Environmental Protection Agency**

  
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Craig W. Butler, Director