



State of Ohio Environmental Protection Agency

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March 14, 2008

**VIA FAX AND REGULAR MAIL**

Mr. Jim O'Connor  
Chairman and CEO  
Republic Services, Inc.  
110 S.E. 6<sup>th</sup> Street, Suite 2700  
Fort Lauderdale, FL 33301

**RE: Your February 26, 2008 Letter**

Dear Mr. O'Connor:

I am writing in response to your letter of February 26, 2008 voicing concern over Ohio EPA's February 21st Notice of Violation ("NOV"), and your letter of February 29, wherein you stated your desire for a meeting between the parties to discuss technical issues.

I must first respond to the frustration with Ohio EPA which permeated your February 26<sup>th</sup> letter and our conversation of February 28. In short, whatever frustration Republic might feel with Ohio EPA cannot, in my view, possibly compare to the frustration of Countywide neighbors who continue to be plagued by the odors from Republic's burning landfill. While Republic and Ohio EPA may disagree over technical and legal issues, my primary concern has been, is, and will continue to be the odors which continue to afflict the neighboring community. Consequently, I will continue to take whatever lawful actions I deem necessary to extinguish the fire, eliminate the odors, and stabilize the affected area of the landfill. Any productive relationship between Republic and Ohio EPA **must** be based on that over-arching objective, and you need to know that my frustration derives from the fact that I have not been able to provide the neighboring community with relief as quickly as I would like.

You raised many issues and contentions in your letter, and I considered addressing each of them individually and in detail. However, given that many of your

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

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concerns focus on technical issues over which Republic and Ohio EPA appear to disagree, and given that I agree with you that a future meeting of selected members of our respective technical staffs and experts would be the most efficient way of discussing these issues, I will instead focus on addressing the larger "relationship" issues that you raise.

In your letter, you indicate that statements in our recent NOV "lack technical justification" and "directly conflict with data collected" by Countywide. You criticize Ohio EPA for notifying Countywide of new violations occurring at the landfill before Ohio EPA had taken action on Countywide's Fire Suppression Plan ("FSP") and Engineered Components Evaluation Study ("ECES"). You also state that "despite your prior representations to me, the Agency has refused to participate in technical roundtable discussions with Countywide's experts". And, you imply that the recent NOV's will undermine efforts by Ohio EPA and Countywide to address the conditions at the landfill.

First, let me that clarify Ohio EPA's NOV's of January 14, 2008 and February 21, 2008, concern violations which were not cited in and which are not addressed by the Director's Final Findings and Orders of March 28, 2007. These are new violations that either I was not aware of, or did not believe Ohio EPA had sufficient evidence of, when I issued the March, 2007 Orders. As such, I do not see how notifying you of them is inappropriate or unfair since you obviously need to know that Ohio EPA believes that we now have additional violations of concern. Further, given the serious nature of the additional violations, you must know that I have now referred the matter of Countywide Landfill to the Office of the Attorney General in order to obtain their assistance. Of course, even with such a referral, I would hope Republic would continue to work with Ohio EPA (and our partner US EPA) to develop a final remediation approach that will extinguish the fire and odors once and for all.

As you know, the issue of whether a fire is occurring at the landfill and causing the odors has been a source of disagreement between Ohio EPA and Countywide. Countywide has long denied that a fire is occurring at the landfill and based its initial FSP on this position. Because the FSP, as well as the ECES, were based upon the limited data that existed at the time they were submitted, Ohio EPA felt it would be unwise to formally comment on these initial submittals, and instead chose to require Countywide to collect and submit additional data. Ohio EPA did this not out of a desire to keep Countywide "in the dark" regarding these documents, or deprive Countywide of

the opportunity to comment on final remedial options, but rather out of a desire to ensure that the documents were based upon good data that adequately characterized site conditions. Indeed, as you have correctly stated, you yourself were personally responsible for ensuring, at my request, that Ohio EPA be given direct access to the data being collected by Countywide, data which has helped Ohio EPA gain a much better understanding of the site.

While Ohio EPA chose not to formally respond to the FSP and ECES that Countywide submitted, Ohio EPA and its experts did engage in multiple and lengthy discussions with Countywide and its experts regarding the content of these plans as well as new data as it became available. After much of the additional data was evaluated, further discussions between the parties on the FSP and ECES took place. In fact, those discussions led to Countywide's submission of *addenda* such as the Treatability Study Report. Ohio EPA and its experts provided full and detailed responses to this submittal, but concluded, after reviewing Countywide's responses to our comments, that Ohio EPA and Countywide simply had extremely different views as to what was actually occurring at the landfill and the types of remedial measures that should be employed.

Since Ohio EPA feels that we have not been in a position to discuss **final** remedial options given ongoing data collection and analysis activities and our evolving understanding of landfill conditions, we have instead focused on the implementation of interim remedial options which we believe are appropriate. As data has come in, my staff has recommended to me that certain interim measures be implemented to address specific concerns – namely, the cell 8(A) and 8(B) fire break and the dewatering wells which are currently being installed. It is my hope that these interim measures, as well as any measures that US EPA may require, will help stabilize conditions at the landfill so that a **final and effective** FSP and remedy can be developed and implemented.

I must also specifically address your contention that Ohio EPA and its experts have "refused" to participate in technical discussions. As pointed out above, a number of technical discussions have occurred among our staff and experts since the March Orders were issued. I do understand that these discussions have sometimes become so emotional and so strained, due to disagreements between our respective staffs and/or experts, that some meetings simply became unproductive. My staff informs me that a well-attended July 26<sup>th</sup> meeting was determined by both Republic and Ohio EPA

to be an unproductive use of time due to the degeneration of the meeting into unsubstantiated rhetoric, personal disputes, and attacks on various participants' credibility. As a result, I understand that a smaller group has since held more productive meetings; including an all-day meeting that my staff willingly volunteered to host on a government holiday. Further, my staff has discussed interim measures with your staff and experts in great detail and made revisions to the interim measures (or provided some extensions of deadlines where appropriate) based upon concerns raised by Countywide. Consequently, I disagree with any suggestion that we have "refused" to discuss technical issues with Countywide, and Ohio EPA looks forward to future productive discussions with Countywide regarding final remedial measures.

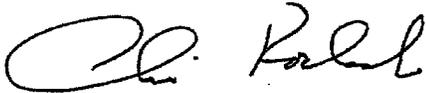
I must also respond to your frustration with our communications to the public, the media, the Stark County Health Department, US EPA or any other parties, and your belief that such communications "undermine cooperative efforts." Simply stated, I reserve the right to communicate with any of these parties whenever and to whatever extent I deem necessary, especially the citizens who continue to live with the impacts of the Countywide landfill and are desperately hoping for relief from the odors.

Finally, I wanted to state with clarity that Ohio EPA is unwilling to extend the deadlines, agreed upon in our December 31, 2007 modification to the November 7, 2007 Director's Final Findings and Orders, for installation of the dewatering wells. As you know, Ohio EPA has been willing to extend other deadlines initially agreed to by Countywide. However, Ohio EPA feels that the installation of the dewatering wells is critical to the improvement of landfill conditions and we are unwilling to grant further extensions of these mutually agreed-upon milestones. We certainly understand that working conditions during this time of year can be difficult, and we in no way expect Countywide to place any of its employees or contractors in danger by forcing them to work in unsafe conditions or to work at an unsafe pace. However, I believe that the best approach is for us to simply encourage Countywide to continue with and complete the required work as expeditiously as possible, and upon completion of the work, for us to consider the circumstances and the length of any resultant delay when determining how that delay should be addressed. I do not believe it would be productive for us to repeatedly discuss the need for or length of extensions. I just want to see the work completed as expeditiously as practically possible.

Now that we have both expressed our positions and vented our frustrations, I am intent on getting back to work with all concerned (*i.e.*, Republic, Stark County Board of Health, US EPA, the Ohio Attorney General, etc.) to arrive at an effective final remedy at the landfill. And, despite our disagreements, I think you, as the CEO of Republic, feel the same way. I will be in touch about a meeting.

Let's get this thing done.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Korleski". The signature is fluid and cursive, with the first name "Chris" written in a larger, more prominent script than the last name "Korleski".

Chris Korleski  
Director, Ohio EPA