

BEFORE THE ENVIRONMENTAL BOARD OF REVIEW
STATE OF OHIO

MID-AMERICAN WASTE SYSTEMS,
INC.

Appellants,

vs.

DONALD R. SCHREGARDUS,
Director of Environmental
Protection,

Appellee.

Case No. EBR 253389

Stipulation and Settlement Agreement

Preliminary Statement

The parties hereto, Appellant Mid-American Waste Systems, Inc. ("Mid-American") and Appellee Director of Environmental Protection ("Director"), having engaged in certain discussions and having reached an agreement do hereby stipulate that:

Stipulation

1. On September 15, 1995, Appellee Director issued National Pollutant Discharge Elimination Permit No. 0IN00168*AD to Mid-American for Wellston Landfill.

2. On October 13, 1995, Appellant Mid-American filed a Notice of Appeal with the Environmental Board of Review ("EBR") seeking review of Appellee Director's action in issuing the NPDES permit. Said Notice of Appeal was timely filed with the EBR.

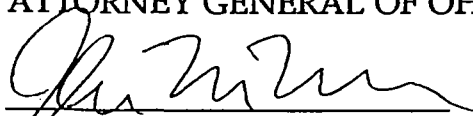
3. Appellee Director and Appellant Mid-American have conducted negotiations. As a result of these negotiations the parties herein stipulate and agree as follows:

Settlement Agreement

1. The Director agrees to modify the NPDES permit as indicated in Attachment A.
2. Within fourteen days of the issuance of a modification identical in substance to Attachment A, Appellant Mid-American agrees to file with the EBR a notice voluntarily dismissing with prejudice its appeal in this case.
4. Appellant agrees to waive its right to further challenge or appeal the issuance of the modification of the NPDES permit at the EBR or any other court of competent jurisdiction, provided that the modification of the NPDES permit is substantively identical to Attachment A.
5. The entering of this Stipulation and Settlement Agreement shall in no way be construed as an admission by the Director that the terms and conditions contained in the September 15, 1995, NPDES permit were not lawful and reasonable.
6. The complete terms of this Stipulation and Settlement Agreement are set forth herein.


Respectfully submitted,

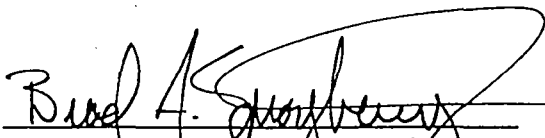
BETTY D. MONTGOMERY
ATTORNEY GENERAL OF OHIO


John K. McManus (0037140)
Assistant Attorney General
Environmental Enforcement Section
30 East Broad Street, 25th Floor
Columbus, Ohio 43266-0410
Telephone: (614) 466-2766

Attorneys for Appellee Director

MID-AMERICAN WASTE SYSTEMS,
INC.


Name: R. Jay Roberts
Title: V.P., Landfill Operations


Brad A. Sprayberry (0065711)
Emens, Kegler, Brown, Hill & Ritter
Capitol Square
65 East State Street, Suite 1800
Columbus, Ohio 43215
(614)-462-5400
Attorney for Appellant

ATTACHMENT A

**Ohio Environmental Protection Agency
Modification of National Pollutant Discharge
Elimination System (NPDES) Permit**

Issue Date: _____

Existing Permit No.: OIN00168*BD

Effective Date: _____

Application No.: ON0108162

Entity Name: Mid-American Waste Systems, Mound Landfill, dba Wellston Landfill

Facility Location: Frank Road in Section 17, Milton Township, Ohio, Jackson County

In accordance with Rule 2745-22-06 of the Ohio Administrative Code (formerly Ohio EPA Regulation EP-31-06), the above referenced NPDES Permit is hereby modified as follows:

<u>Page</u>	<u>Revision</u>
M2	Reduced monitoring frequencies for total precipitation, color, odor, turbidity, and flow to 1/Month.

Attached is the modified page to the NPDES permit.

All terms and conditions of the existing permit not recommended for modification by this document will remain in effect. Any modified term or condition contained in this modification shall supersede, on the date this modification is effective, the existing respective term or condition of the permit.

When the modification is effective, the Ohio EPA permit number will be changed to OIN00168*BD. The application number will remain ON0108162.

Donald R. Schragardus
Director

Part I, A. - FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. During the period beginning on the effective date of this permit and lasting until the expiration date, the permittee is authorized to discharge in accordance with the following limitations and monitoring requirements from outfalls OIN00168001, OIN00168002 and OIN00168003. See Part II, OTHER REQUIREMENTS, for locations of effluent sampling.

EFFLUENT CHARACTERISTIC			DISCHARGE LIMITATIONS				MONITORING REQUIREMENTS	
Reporting Code	Units	Parameter	Concentration Specified Units		Loading kg/day		Meas. Freq.	Sample Type
			30 day	Daily	30 day	Daily		
00010	°C	Water Temperature	-	-	-	-	1/Quarter*	Grab
00045	IN	Total Precipitation	-	-	-	-	1/Month*	24 Hr. Total
00083	UNITS	Color, Severity**	-	-	-	-	1/Month*	Grab
00095	UMHO	Specific Conductance at 25°C	-	-	-	-	1/Month*	Grab
00310	mg/L	Biochemical Oxygen Demand, 5-Day	-	-	-	-	1/Month*	Grab
00335	mg/L	COO	-	-	-	-	1/Month*	Grab
00530	mg/L	Residue, Total Nonfilterable(1)	30	45	-	-	1/Month*	Grab
00545	mg/L	Residue, Settleable	-	0.5	-	-	1/Month*	Grab
00580	mg/L	Carbon, Total Organic (TOC)	-	-	-	-	1/Month*	Grab
01330	UNITS	Odor, Severity**	-	-	-	-	1/Month*	Grab
01350	UNITS	Turbidity, Severity**	-	-	-	-	1/Month*	Grab
50050	MGD	Flow	-	-	-	-	1/Month*	24 Hr. Total (Estimate)
70301	mg/L	Solids, Dissolved-Sum of	-	-	-	-	1/Month*	Grab

* During discharge.

** See Part II, Item C.

2. There shall be no discharge of leachate to the sediment ponds or the waters of the state.
 3. Additional monitoring requirements and conditions: See Part II, Item G.
 4. The pH (Reporting Code 00400) shall not be less than 6.5 S.U. nor greater than 9.0 S.U. and shall be monitored 1/month by grab sample.*
 5. Samples taken in compliance with monitoring requirements specified above shall be taken at Sampling Stations described in Part II, OTHER REQUIREMENTS.
- (1) Limits do not apply during rainfall/snowmelt.

BEFORE THE ENVIRONMENTAL BOARD OF REVIEW

STATE OF OHIO

MID-AMERICAN WASTE SYSTEMS, INC.)	
)	Case No. EBR 253389
Appellant,)	
)	<u>ORDER FOR DISMISSAL</u>
v.)	
)	
DONALD SCHREGARDUS, DIRECTOR)	Issued on: July 16, 1996
OF ENVIRONMENTAL PROTECTION)	
)	
Appellee.)	

On July 12, 1996, the Board received from the Appellant a NOTICE OF VOLUNTARY DISMISSAL WITH PREJUDICE of its appeal, which the Board construed as a Motion for Voluntary Dismissal. The Board granted the Motion and dismissed this matter pursuant to OAC 3746-5-28. A copy of the Board's Journal Entry is attached.

The Board, in accordance with Section 3745.06 of the Revised Code and Ohio Administrative Code 3746-13-01, informs the parties that:

Any party adversely affected by an order of the Environmental Board of Review may appeal to the Court of Appeals of Franklin County, or, if the appeal arises from an alleged violation of a law or regulation to the court of appeals of the district in which the violation was alleged to have occurred. Any party desiring to so appeal shall file with the Board a Notice of Appeal designating the order appealed from. A copy of such notice shall also be filed by the Appellant with the court, and a copy shall be sent by certified mail to the Director of Environmental Protection. Such notices shall be filed and mailed within thirty days after the date upon which Appellant received notice from the Board by certified mail of the making of an order appealed

from. No appeal bond shall be required to make an appeal effective.

Entered in the Case File of the Board this 16th day of July, 1996, at Columbus, Ohio.

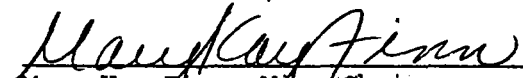
Copies were sent to:

MID-AMERICAN WASTE SYSTEMS, INC.
DONALD SCHREGARDUS, DIRECTOR
William J. Brown, Esq.
Brad A. Sprayberry, Esq.
Jack McManus, Esq.
J. Gregory Smith, Esq.

THE ENVIRONMENTAL BOARD OF REVIEW



Toni E. Mulrane, Chairman



Mary Kay Finn, Vice-Chairman



Jerry Hammond, Member

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MID-AMERICAN WASTE SYSTEMS, INC.)

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OF ENVIRONMENTAL PROTECTION)

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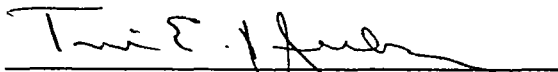
JOURNAL ENTRY

Issued on: July 16, 1996

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SEE CASE FILE AND RECORD OF ACTIONS

THE ENVIRONMENTAL BOARD OF REVIEW


Toni E. Mulrane, Chairman

Entered in the Journal of
of the Environmental Board
of Review this 16th day
of July, 1996, at Columbus,
Ohio.

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Case No. EBR 253389

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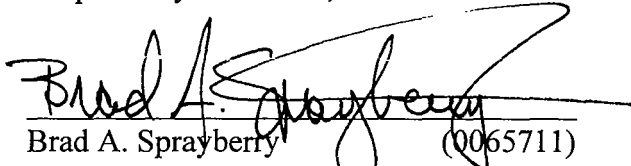
DONALD R. SCHREGARDUS,
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Appellee.

NOTICE OF VOLUNTARY DISMISSAL WITH PREJUDICE

NOW COMES Appellant, Mid-American Waste Systems, Inc., ("Mid-American") who submits this Notice of Voluntary Dismissal with Prejudice of Case No. EBR-253389. The parties have determined that the issues underlying this appeal have been resolved according to law and regulation, as set out in the following Stipulation and Settlement Agreement, attached as "Exhibit A".

Respectfully submitted,



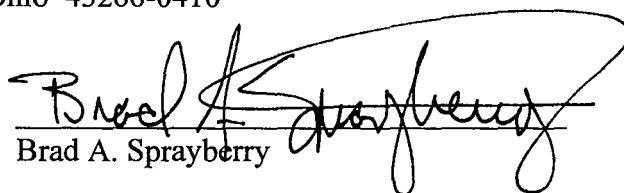
Brad A. Sprayberry (0065711)
EMENS, KEGLER, BROWN HILL & RITTER
Capitol Square
65 East State Street, 18th Floor
Columbus, Ohio 43215

Attorney for Appellant
Mid-American Waste Systems, Inc. .

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Notice of Voluntary Dismissal with Prejudice was served upon those parties listed below via Regular U.S. Mail this 12th day of July, 1996:

John K. McManus, Esquire
J. Gregory Smith, Esquire
Assistant Attorneys General
Environmental Enforcement Section
30 E. Broad Street, 25th Floor
Columbus, Ohio 43266-0410


Brad A. Sprayberry