

TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION
Division of Solid Waste Management
5th Floor, L & C Tower
401 Church Street
Nashville, Tennessee 37243-1535
(615) 532-0780

NOTICE OF SOLID WASTE DISPOSAL CONTROL BOARD HEARING

NOTICE OF A PROPOSED AGREED ORDER

NOTICE OF A PROPOSED PERMIT FOR A SOLID WASTE DISPOSAL FACILITY

Cedar Ridge Landfill, SNL 59-0238, is located in Marshall County, at 2340 Mooresville Highway, Lewisburg, Tennessee (latitude 35°27'30" N/ longitude 86°50'50" W).

Beginning in 2007, Cedar Ridge Landfill, Inc. sought approval from the Tennessee Department of Environment and Conservation (TDEC) for an expansion of this landfill into an area of approximately 8 acres known as Phase 7. On December 16, 2009, the Director of TDEC's Division of Solid Waste Management issued a Public Notice of TDEC's intent to deny the Phase 7 expansion sought by Cedar Ridge. On February 8, 2010, within the public comment period, Cedar Ridge Landfill, Inc. submitted to TDEC a lengthy response to the issues and concerns raised by TDEC in its notice of intent to deny. On April 13, 2010, the Director of TDEC's Division of Solid Waste Management issued a Final Notice of Permit Denial for the proposed Phase 7 expansion. On May 13, 2010, Cedar Ridge Landfill, Inc. filed a Petition for Review of TDEC's decision to deny the Phase 7 expansion. On June 8, 2011, TDEC and Cedar Ridge Landfill, Inc. entered into a Memorandum of Understanding ("MOU"), which required Cedar Ridge Landfill, Inc. to do additional investigation regarding whether solid waste can safely be placed in Phase 7. As a result of the additional investigation, which has been done by Cedar Ridge Landfill, Inc., including additions to the groundwater monitoring system, and a 10-year extension of the post-closure care period, TDEC has concluded that the Phase 7 expansion should be approved. Cedar Ridge Landfill, Inc. has submitted additional information that allows the proposed expansion to comply with all the requirements of the rules governing Class I disposal facilities.

The proposed expansion would result in 8.5 acres (Phase 7) to be used for waste disposal. No hazardous wastes, as regulated by the Tennessee Hazardous Waste Management Act (Tennessee Code Annotated, Section 68-212-101, et. seq.) and the Rules adopted pursuant to the Act, shall be accepted for disposal at this facility. The official responsible for operation of the facility is Charles R. Gillian, Waste Management, Inc., 2555 Meridan Drive, Suite 200, Franklin, Tennessee 37067; telephone: 615-764-4702.

Monday, August 29, 2011, starting at 10:00 a.m. (CDT), the Tennessee Solid Waste Disposal Control Board (Board) will convene a hearing, in the Ruth Neff Conference Room, 17th Floor L&C Tower, 401 Church Street, Nashville, Tennessee. TDEC and Cedar Ridge Landfill, Inc. will jointly present to the Board a proposed Agreed Order and a proposed modification of permit SNL 59-0238. Members of the Public will be given an opportunity to appear before the Board and present oral comments concerning the proposed Agreed Order and the proposed permit modification. The public is also invited to submit comments in writing to: Mr. Mike Apple, Director, Division of Solid Waste Management, 5th Floor, L&C Tower, 401 Church Street, Nashville, TN 37243-1535; telephone: 615-532-0780. Comments must be received by 4:30 p.m. (CDT) on Thursday, August 25, 2011, to assure that they will be presented to the Board for consideration.

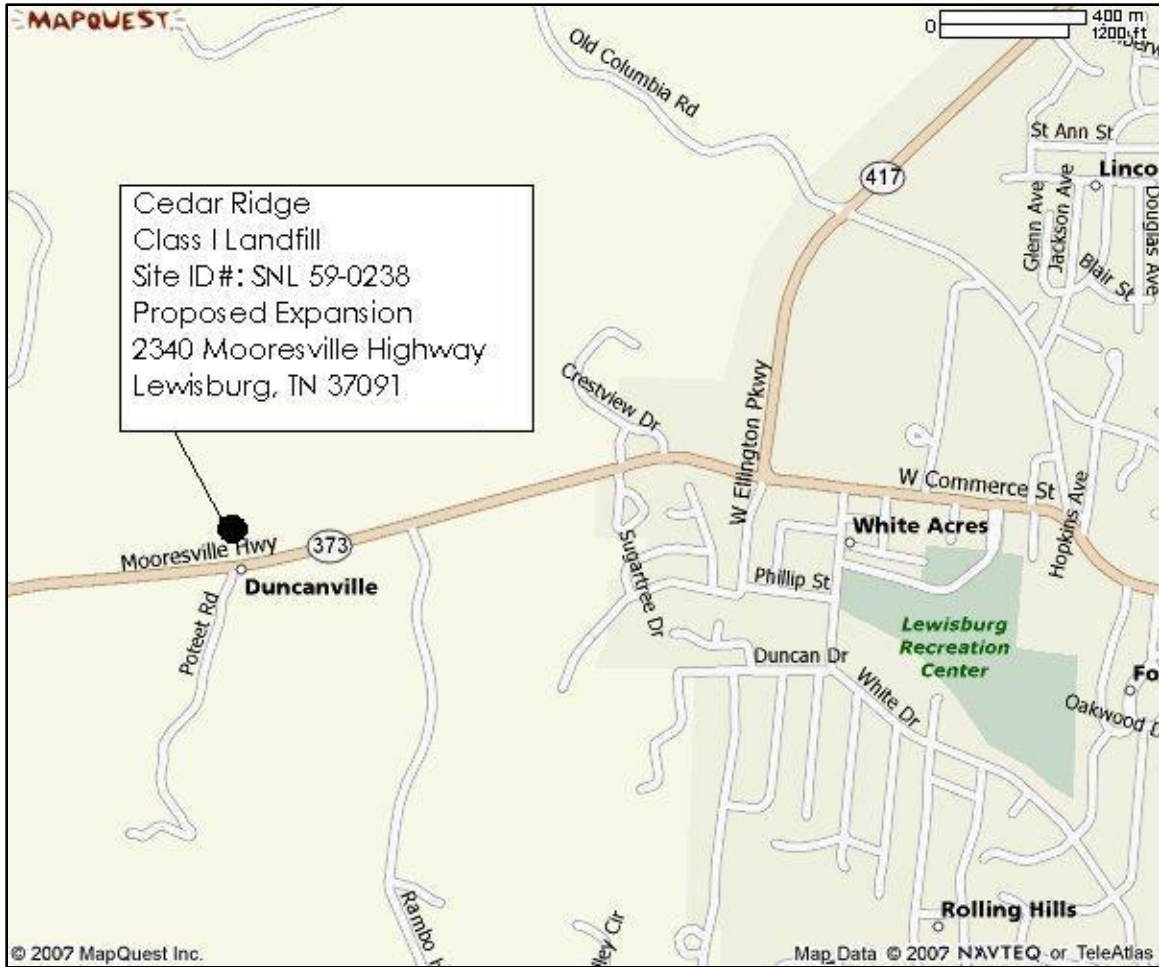
If you wish to review the proposed Agreed Order and related information; the proposed permit; and the Part II application, which consists of reports, and plans and specifications, prior to the hearing, please contact the DSWM at the TDEC Columbia Environmental Field Office, 1421 Hampshire Pike, Columbia, Tennessee 38401; telephone: 931-380-3371. A copy of the proposed Agreed Order and related information, the proposed permit, and the Part II application, which consists of reports, and plans and specifications, may also be viewed at the Marshall County Memorial Library, 310 Old Farmington Road, Lewisburg, Tennessee 37091; telephone: 931-359-3335.

The Tennessee Department of Environment and Conservation is committed to the principles of equal opportunity, equal access, and affirmative action. Individuals with disabilities who wish to participate in these proceedings (or to review these filings) should contact the Tennessee Department of Environment and Conservation to discuss any auxiliary aids or services needed

to facilitate such participation. Such contact may be in person, by writing, telephone, or other means, and should be made no less than ten days prior to the scheduled meeting date, or date such party intends to review such filings, to allow time to provide such aid or service. Contact the ADA Coordinator at 1-866-253-5827 for further information. Hearing impaired callers may use the Tennessee Relay Service, telephone: 1-800-848-0298.

Persons who wish to be on the Division of Solid Waste Management's mailing list should obtain a Mailing List Request form by calling or writing the Public Participation Officer, Division of Solid Waste Management, Tennessee Department of Environment and Conservation, 5th Floor, L & C Tower, 401 Church Street, Nashville TN 37243-1535, telephone: (615) 532-0798, email: solid.waste@tn.gov.

NOTICE ISSUED: August 17, 2011



State of Tennessee
Department of Environment
and Conservation
Division of Solid Waste Management

Solid Waste Management Program
401 Church Street
5th Floor L & C Tower
Nashville, Tennessee 37243-1535
615-532-0780

**REGISTRATION AUTHORIZING SOLID WASTE
DISPOSAL ACTIVITIES IN
TENNESSEE**

Registration Number: SNL 59-0238

Date Issued: PROPOSED

Issued to: Cedar Ridge Landfill, Inc.

Activities Authorized: Construction, operation, closure, and post-closure care of a Class I disposal facility, known as Cedar Ridge Landfill, located in Marshall County, north of Tennessee State Route 373 at 2340 Mooresville Highway, approximately one mile west of Lewisburg, Tennessee, for the disposal of domestic wastes, commercial wastes, institutional wastes, municipal solid wastes, bulky wastes, landscaping and land clearing wastes, industrial wastes, construction/demolition wastes, farming wastes, shredded automotive tires, dead animals, and special wastes.

By my signature this registration is issued in compliance with the provisions of the Tennessee Solid Waste Disposal Act (Tennessee Code Annotated, Section 68-211-101, et seq.), and applicable regulations developed pursuant to this law and in effect; and in accordance with the conditions and other terms set forth in this registration document and attached Registration Conditions.

Mike Apple, Director
Division of Solid Waste Management

PERMIT TERMS AND CONDITIONS

1. Re-certification by Permittee for Facilities Whose Initial Operation is Delayed - If the facility does not initiate construction and/or operation within one year of the date of this permit, the permittee must re-certify the application in accordance with Rule 1200-1-7-.02(2)(d).
2. Duty to Comply - The permittee must comply with all conditions of this permit, unless otherwise authorized by the Department. Any permit noncompliance, except as otherwise authorized by the Department, constitutes a violation of the Act and is grounds for enforcement action, or for permit termination, revocation and re-issuance, or modification.
3. Need to Halt or Reduce Activity Not a Defense - It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
4. Duty to Mitigate - In the event of noncompliance with the permit, the permittee shall take all reasonable steps to minimize releases to the environment, and shall carry out such measures as are reasonable to prevent adverse impacts on human health or the environment.
5. Proper Operation and Maintenance - The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of the permit.
6. Permit Actions - This permit may be modified, revoked and re-issued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and re-issuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any existing permit condition.
7. Property Rights - This permit does not convey any property rights of any sort, or any exclusive privilege.
8. Duty to Provide Information - The permittee shall furnish to the Commissioner, within a reasonable time, any relevant information which the Commissioner may request to determine whether cause exists for modifying, revoking and re-issuing, or terminating this permit, or to determine compliance with this permit. The permittee must also furnish to the Commissioner, upon request, copies required to be kept by this permit. All records, including a copy of this permit and the approved Part I and Part II application, must be maintained at the facility or other locations as approved by the Commissioner.

9. Inspection and Entry - The permittee shall allow the Commissioner, or an authorized representative, to:
- (i) Enter at any reasonable time the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
 - (ii) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
 - (iii) Inspect at any reasonable time any facilities, equipment (including monitoring and control equipment), practices or operations regulated or required under this permit (Note: If requested by the permittee at the time of sampling, the Commissioner shall split with the permittee any samples taken.);
 - (iv) Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Act any substances or parameters at any location; and
 - (v) Make photographs for the purpose of documenting items of compliance or noncompliance at waste management units, or where appropriate to protect legitimate proprietary interests, require the permittee to make such photos for the Commissioner.
10. Monitoring and Records
- (i) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
 - (ii) The permittee shall retain records of all required monitoring information. The permittee shall maintain records for all groundwater monitoring wells and associated groundwater surface elevations, for the active life of the facility, and for the post-closure care period as well. This period may be extended by request of the Commissioner at any time.
 - (iii) Records of monitoring information shall include:
 - (I) The date, exact place, and time of sampling or measurements;
 - (II) The individual(s) who performed the sampling or measurements;
 - (III) The date(s) analyses were performed;
 - (IV) The individual(s) who performed the analyses;
 - (V) The analytical techniques or methods used (including equipment used); and
 - (VI) The results of such analyses.

11. Reporting Requirements

- (i) The permittee shall give notice to the Commissioner as soon as possible of any planned physical alterations or additions to the permitted facility.
- (ii) Monitoring results shall be reported at the intervals specified elsewhere in this permit.
- (iii) The permittee shall report orally within 24 hours from the time the permittee becomes aware of the circumstances of any release, discharge, fire, or explosion from the permitted solid waste facility which could threaten the environment or human health outside the facility. Such report shall be made to the Tennessee Emergency Management Agency, using the 24-hour toll-free number 1-800-262-3300.
- (iv) Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Commissioner, it shall promptly submit such facts or information.

12. Periodic Survey

- (i) Within 60 days of his receipt of the written request of the Commissioner to do so, the permittee shall cause to be conducted a survey of active and/or closed portions of his facility in order to determine if operations (e.g., cut and fill boundaries, grades) are being conducted in accordance with the approved design and operational plans. The permittee must report the results of such survey to the Commissioner within 90 days of his receipt of the Commissioner's request.
- (ii) The Commissioner may request such a survey:
 - (I) If he has reason to believe that operations are being conducted in a manner that significantly deviates from the approved plans; and/or
 - (II) As a periodic verification (but no more than annually) that operations are being conducted in accordance with the approved plans.
- (iii) Any survey performed pursuant to this part must be performed by a qualified land surveyor duly authorized under Tennessee law to conduct such activities.

13. Duration of Permits - This permit shall be effective for the operating life of the facility.

14. Effect of Permit - The issuance of this permit does not authorize the permittee to injure persons or property or to invade other private rights, or to violate any local law or regulations.

15. Transfer, Modification, Revocation and Re-issuance, and Termination of Permits - This permit may be transferred, modified, revoked or reissued, or terminated as set forth in 1200-1-7-.02(5).

16. Applicable Standards - All applicable facility standards of Rule Chapter 1200-1-7, Solid Waste Processing and Disposal Amendments shall be considered conditions of this registration.
17. Penalties - Any violation of the conditions or other terms of this registration may subject the registrant to the penalties set forth in Tennessee Code Annotated Section 68-211-114 and 68-211-117.
18. Hazardous Waste Restriction - No hazardous waste, as regulated by the Tennessee Hazardous Waste Management Act (TCA Section 68-212-101, et seq.), and the Rules adopted pursuant to that Act, shall be accepted at this facility.
19. Construction and Operation - The permittee shall construct and operate the facility in accordance with the approved engineering plans and operations manual which becomes a condition of this permit as Attachment I.
20. Financial Assurance - Prior to beginning operation, the permittee must file a Financial Assurance Instrument in accordance with Rule 1200-1-7-.03.
21. Special Waste - Except as specifically provided for in the Facility-Specific Conditions of this permit, the permittee may not accept for disposal any special waste unless approved to do so in writing by this Department.
22. Automobile Batteries - This facility is specifically prohibited from accepting automobile batteries for disposal.

VARIANCES AND WAIVERS

The following variances or waivers from standards or requirements in Rule 1200-1-7, Solid Waste Processing and Disposal Amendments, are hereby granted in accordance with Rule 1200-1-7-.01(5):

1. The permittee is granted a variance from Rule 1200-1-7-.04(7)(a)2.(iii), which states that an alternate compliance boundary shall not exceed 150 meters from the waste management unit boundary and shall be located on land owned by the owner of the Solid Waste Landfill unit.

FACILITY-SPECIFIC PERMIT CONDITIONS

The following conditions of this permit are established pursuant to Rule 1200-1-7-.02(4)(b):

1. The Permittee will not conduct blasting during the construction of Phase 7.
2. Upon achieving the base grade of excavation for Phase 7, the Permittee must notify the Division of Solid Waste Management (Division). The Division must inspect the base grade for soft spots, wet zones, bedrock, and voids prior to buffer/liner construction. The Division may require further investigation if such conditions are encountered.
3. The post closure care period for this facility is 40 years. A revised post closure care plan must be submitted to the Division within 60 days for review, comment, and approval.
4. The facility shall submit as-built drawings of the landfill gas collection system within thirty (30) days of installation. If the system is installed in phases, the facility shall make separate submittals for each phase
5. The leachate force mains shall be tested for leaks prior to being put into service and once every two years thereafter. Results of the testing shall be reported to the Division of Solid Waste Management within thirty (30) days of the test.
6. Ground water monitoring wells, MW-14 and MW-15, shall be incorporated into the Ground Water Monitoring Plan for the landfill as compliance monitoring wells. The wells shall be maintained as and monitored as required in Tennessee Rule 1200-1-7-.04(7)(a).

BEFORE THE TENNESSEE SOLID WASTE DISPOSAL CONTROL BOARD

IN THE MATTER OF:)
)
CEDAR RIDGE LANDFILL, INC.) **DOCKET NO. 04.27-108630A**
)
Petitioner)

AGREED ORDER

This matter came to be heard before the Tennessee Solid Waste Disposal Control Board (“the Board”) upon the decision of the Tennessee Department of Environment and Conservation (“TDEC”) to deny a request from Cedar Ridge Landfill, Inc. (“Cedar Ridge”) to expand its landfill in Marshall County, Tennessee; the Petition for Review of that decision which was timely filed by Cedar Ridge; and the representation of counsel that a settlement of the disputed issues has been reached. The Board hereby adopts the following findings of fact and conclusions of law as a final resolution of this contested case:

PARTIES

I.

Robert J. Martineau is the duly appointed Commissioner of TDEC.

II.

Cedar Ridge is a Delaware corporation authorized to transact business in Tennessee. Cedar Ridge holds Registration Number SNL 59-0238, issued by TDEC on August 17, 1999, for a Class I sanitary landfill in Marshall County, Tennessee, known as the Cedar Ridge Landfill.

FINDINGS OF FACT

III.

Cedar Ridge has operated the Cedar Ridge Landfill since 1998. This landfill was first issued a permit by TDEC in 1990 and was operated by another company prior to 1998.

IV.

TDEC has given approval to Cedar Ridge for the disposal of municipal solid waste in several cells, denominated as Phases 1 through 6.

V.

Beginning in 2007, Cedar Ridge has sought approval from TDEC for an expansion of this landfill into an area of approximately 8 acres known as Phase 7.

VI.

Cedar Ridge obtained local approval for this proposed expansion, pursuant to T.C.A. §68-211-701 (the Jackson Law), from the Marshall County Board of Commissioners and the Lewisburg City Council.

VII.

Cedar Ridge obtained approval, pursuant to T.C.A. §68-211-814(b)(2)(A), from the Solid Waste Region Board for the Marshall County – Maury County Region

(“Board”). The Cedar Ridge Landfill is the only landfill included in the Board’s long-term plan for managing the solid waste in this region.

VIII.

While its application for the Phase 7 expansion was pending, Cedar Ridge obtained two related permits from TDEC which are integral to the proper operation of Phase 7:

- (A) On July 2, 2008, TDEC’s Division of Water Supply issued a Class V injection well permit to Cedar Ridge allowing the closure of a sinkhole located in Phase 7 according to the requirements of TDEC’s rules governing such closures.
- (B) On October 22, 2008, TDEC’s Division of Water Pollution Control issued an ARAP permit (NRS08.008) allowing the filling of 165 linear feet of an unnamed stream which flows into the Phase 7 area.

IX.

On December 16, 2009, the Director of TDEC’s Division of Solid Waste Management issued a Public Notice of TDEC’s intent to deny the Phase 7 expansion sought by Cedar Ridge.

X.

On February 8, 2010, within the public comment period, Cedar Ridge submitted to TDEC a lengthy response to the issues and concerns raised by TDEC in its notice of intent to deny.

XI.

On April 13, 2010, the Director of TDEC's Division of Solid Waste Management issued a Notice of Permit Denial for the proposed Phase 7 expansion, stating that Cedar Ridge had failed to demonstrate, with regard to Phase 7:

- (A) That there is not significant potential for surface collapse;
- (B) That the groundwater flow system will not contribute to significant potential for surface collapse or cause significant degradation to groundwater;
- (C) That the location of Phase 7 in karst terrane will not cause significant degradation to the local groundwater resources; and
- (D) That the proposed facility will meet the General Facility Standard.

XII.

On May 13, 2010, Cedar Ridge filed a Petition for Review of TDEC's decision to deny the Phase 7 expansion, contending that the application and plans presented to TDEC demonstrate that:

- (A) There is no significant potential for surface collapse;
- (B) The groundwater flow system will not contribute to significant potential for surface collapse or cause significant degradation to groundwater;

- (C) The location of the landfill in karst terrain will not cause significant degradation of groundwater; and
- (D) The landfill meets the General Facility Standard and all TDEC rules governing Class I landfills and will continue to do so if the Phase 7 expansion is allowed.

XIII.

During the summer and fall of 2010, the parties to this contested case engaged in the production of documents and the taking of depositions, as a result of which each party learned more about the other party's position with respect to the disputed issues.

XIV.

Following this period of discovery, the parties attended a series of meetings and negotiating sessions in which they attempted to find a basis on which this contested case might be settled. During the course of these meetings, the attorneys for the parties prepared, and the parties agreed to, a Memorandum of Understanding ("MOU"), which required Cedar Ridge to do additional testing regarding whether solid waste can safely be placed in Phase 7 should it be granted a permit by TDEC. The MOU is attached to this Agreed Order as Exhibit A.

XV.

The provisions of the MOU were thoroughly discussed and revised and drafts of the MOU were exchanged by the parties during a two-month period in April-June 2011. The MOU was signed by the attorneys for the parties, by a principal of Cedar Ridge, and

by TDEC Commissioner Robert Martineau on June 8, 2011.

On May 25, 2011, TDEC completed its review of the *Stability and Differential Settlement of Phase 7* document which had been prepared by Geosyntec Consultants and submitted to TDEC by Cedar Ridge. TDEC has accepted the report as a complete response to the issue of differential settlement for Phase 7.

XVI.

Pursuant to the agreed-upon provisions of the MOU, Cedar Ridge has performed the following actions:

- (A) Cedar Ridge has installed two detection monitoring wells downgradient of Phase 7 in locations approved by TDEC. These wells will be added to the existing groundwater monitoring system upon final permit issuance.
- (B) Cedar Ridge has drilled two additional boreholes to a depth of 25 feet into bedrock in the northwest portion of Phase 7. The confirmed presence of bedrock provides further evidence that Phase 7 is stable.
- (C) Cedar Ridge drilled two boreholes near the sinkhole located in Phase 7 in the approximate vicinity of an identified geophysical anomaly to an agreed upon depth. These boreholes did not encounter voids and confirmed the presence of bedrock in this area, providing further proof that the Phase 7 area is stable.
- (D) Cedar Ridge completed a Background Study in an effort to better understand the groundwater flow at the landfill. Cedar Ridge placed charcoal dye receptors at numerous offsite and onsite locations proposed

by TDEC. Results of the Background Study to date confirm the current understanding of groundwater flow and verify the monitorability of Phase 7.

- (E) Cedar Ridge excavated the feature of Phase 7 known as RE-3 (commonly referred to as a sinkhole) in order to properly close it.
- (F) Cedar Ridge has agreed to an extension of its responsibility for post-closure care at the landfill from 30 years to 40 years if the permit for Phase 7 is granted.
- (G) Cedar Ridge agreed that blasting will not be conducted as part of the Phase 7 construction and development.
- (H) Cedar Ridge agreed that no additional disposal cells will be developed south of the existing permitted footprint. Layovers from any future development will not be allowed onto the existing landfill cells except for those areas shown in yellow on the map attached to the MOU.

Cedar Ridge has documented these actions and provided this documentation to TDEC, which has reviewed and accepted it.

XVII.

As a result of the additional investigation which has been done by Cedar Ridge, the additions to the groundwater monitoring system, and the 10-year extension of the post-closure care period, TDEC has concluded that the Phase 7 expansion should be approved and that Cedar Ridge will be able to meet all the requirements of the rules governing Class I sanitary landfills.

CONCLUSIONS OF LAW

1. Tenn. Code Ann. §68-211-113-(b) provides:

(b) Any person whose plans for the construction of, or change in, any solid waste processing facility or disposal facility or site are disapproved by the commissioner may secure a review of the commissioner's disapproval by filing with the commissioner a written petition setting forth the grounds and reasons for such person's objections to the commissioner's disapproval, and asking for a hearing before the board.

Tenn. Code Ann. §68-211-111(f) states: "It is the duty of the board to act as a board of appeals as provided in §68-211-113." Under these two sections, the Board has jurisdiction over this contested case.

2. Based upon the additional testing done by Cedar Ridge pursuant to the MOU (as recited above in paragraph XVI of this Agreed Order), the additional information regarding Phase 7 which has been provided to TDEC since the permit denial in April 2010, the monitoring results submitted to TDEC since April 2010, and the addition of two monitoring wells to the groundwater monitoring system, the parties agree and the Board concludes that Cedar Ridge has met all the requirements of the rules with respect to Phase 7 and that a permit should be issued by TDEC allowing the disposal of municipal solid waste in Phase 7.

3. The parties agree, and the Board concludes, that the MOU (Exhibit A) should be and is hereby incorporated into this Agreed Order and made a part thereof. All requirements stated in the MOU are made binding on the parties to the MOU and to this

Agreed Order.

4. Based upon the representations of the parties and the findings and agreement of TDEC, the Board concludes that Cedar Ridge has demonstrated that it has met the requirements of the rules governing the disposal of municipal solid waste in Phase 7, including but not limited to Rule 1200-01-07-.04(2)(q) (Stability in Karst Terrane), Rule 1200-01-07-.04(7)(a) (Groundwater Monitoring), Rule 1200-01-07-.04 and T.C.A. §68-211-105 (Containment of Waste), and Rule 1200-01-07-.04(2)(a) (General Performance Standard).

5. The Board has afforded the public the opportunity to be heard and has accepted comments from the public regarding this Agreed Order.

ORDER

In view of these Findings of Fact and Conclusions of Law, the Board orders TDEC to issue to Cedar Ridge a permit allowing the disposal of municipal solid waste in Phase 7.

REASONS FOR DECISION

The Board approves this Agreed Order because it is a fair and reasonable settlement of this contested case. The Board approves of settlements in that they conserve the resources of TDEC and the Board.

The Board also finds that there is a demonstrated need for the continued operation

of the Cedar Ridge Landfill, as evidenced by the local approvals of the Phase 7 expansion by the Marshall County Board of Commissioners and the Lewisburg City Council, as well as the finding of the Maury-Marshall Solid Waste Region Board that this landfill is essential to meeting the needs of this region. This Board's decision is also based upon its finding that municipal solid waste can be placed in the Phase 7 in a manner which will protect the environment and the public and its conclusion that it is good land use policy to continue placing solid waste in an area which is contained within a previously permitted landfill footprint.

Adopted and approved by the Board this ____ day of _____, 2011.

Chairperson

Approved for entry:

David Henry
Assistant General Counsel

John P. Williams
Attorney for Petitioner

Entered in the Office of the Secretary of State, Administrative Procedures Division, this ____ day of _____, 2011.

Director
Administrative Procedures Division