

Smoldering landfill seeks continued expansion despite opposition

by Paul E. Kostyu

COLUMBUS, Ohio - A state appeals board was asked Friday to stop the expansion of a Stark County landfill, which already is under way, because of two fires burning under the original 88 acres of the landfill.

But attorneys for the state and Republic Services, which owns the landfill, said it's too late. The permit to expand was approved in 2003, though it's been under various appeals since.

"We're entitled to a decision," said Republic attorney Jason Perdion of the long-running case before the Environmental Review Appeals Commission. "It's not appropriate to stop in midstream."

He said recent concerns about Countywide Recycling and Disposal Facility have nothing to do with the landfill's plans to expand to an additional 170 acres. He said expansion should continue while state, local and landfill officials deal with the facility's other issues.

Those issues include a determination by an EPA consultant that the landfill has two fires smoldering underground, and that's causing carbon monoxide, heat and odor.

Perdion and fellow Republic attorney Maureen Brennan argued it was unfair to introduce new evidence in the case. They objected when Peter A. Precario, representing the village of Bolivar, and Thomas W. Connors, for the Stark-Tuscarawas-Wayne Joint Solid Waste Management District, asked the commission to consider a recommendation by Ohio EPA Director Christopher Korleski that the landfill's permit to continue to operate be denied. The operating permit is different than the expansion permit.

The three-member commission allowed Precario and Connors to discuss the recent developments.

Precario and Connors contended the fires and stench at the landfill are relevant because expansion plans include adding to the height of the problem acres.

Brennan countered that Republic was willing to voluntarily give up the verticle expansion.

Tim Vandersall, Countywide's manager, said an agreement not to expand vertically was reached last summer and will hold "until everyone, including our experts, the EPA and the Stark County Health Department are 100

percent satisfied that there are no health and safety impacts from filling over that area."

Brett Kravitz, of the Ohio attorney general's office, said the EPA has "other mechanisms in place" to deal with problems at Countywide.

"The director is concerned with recent events, but the director is taking care of those issues," he said.

Kravitz said it would be unprecedented for the commission to stop the permit process by sending it to Korleski to make a new decision about the expansion.

But Precario said evidence introduced earlier in the case involving the landfill design, expansion and groundwater "has changed substantially and are no longer valid." Precario said the evidence is incomplete, which is why the decision about expansion must be made again after new data has been collected.

Connors argued the fires threaten to damage the plastic liner under the landfill and that, in turn, could put the area's water table at risk.

Perdion said the commission needs to consider "the facts at the time of the director's decision (in 2003) are key. You shouldn't second guess what the director will do in the future or look into a crystal ball about what might happen."

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