

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

OHIO E.P.A.
MAR 27 2012

ENTERED DIRECTOR'S JOURNAL

In the Matter of:

Rumpke Sanitary Landfill, Inc
10795 Hughes Road
Cincinnati, OH 45251

Modified Director's
Final Findings and Orders

I certify this to be a true and accurate copy of the
official documents as filed in the records of the Ohio
Environmental Protection Agency.

Respondent

By: Jenya Lasser Date: 3/27/12

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Modified Director's Final Findings and Orders ("Orders") are issued to Rumpke Sanitary Landfill, Inc. ("Respondent") pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency under Ohio Revised Code ("ORC") Sections 3734.13, 3745.01, and 3745.04 and to Modify the Director's Final Findings and Orders dated March 18, 2010.

II. PARTIES BOUND

These Orders shall apply to and be binding upon Respondent and its successors in interest liable under Ohio law. No change in ownership of Respondent or of the Facility (as hereinafter defined) shall in any way alter Respondent'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 makes the following findings:

1. The Rumpke Sanitary Landfill ("Facility") is located at 10795 Hughes Road,

Cincinnati, Hamilton County, Ohio.

2. Respondent is a "person" as that term is defined in ORC Sections 3734.01(G) and 3704.01(O) and in Ohio Administrative Code ("OAC") Rules 3745-27-01(P)(3) and 3745-15-01(V).
3. Respondent is the "owner" and the "operator" of the Facility as those terms are defined in OAC Rules 3745-27-01(O)(7) and 3745-27-01(O)(5), respectively, and is also the license holder for the Facility.
4. The Facility is a "sanitary landfill facility" as that term is defined under OAC Rule 3745-27-01(S)(4) and is authorized to accept "solid waste" as that term is defined under ORC Section 3734.01(E) and OAC Rule 3745-27-01(S)(24).
5. On September 15, 2009, Ohio EPA, Hamilton County Public Health, and the Southwest Ohio Air Quality Agency (formerly the Department of Environmental Services) met with Respondent to discuss conditions at the Facility. Respondent discussed a proposed action plan including activities to monitor and mitigate conditions in the affected area. Respondent agreed to finalize an action plan and submit it to Ohio EPA.
6. On March 18, 2010, the Director and Respondent consented to Director's Final Findings and Orders ("March 2010 Orders").
7. The Action Plan attached to the March 2010 Orders was revised by Respondent by submittal dated March 9, 2011.
8. Hamilton County Public Health and the Southwest Ohio Air Quality Agency have received and validated complaints alleging landfill odors emanating from the Facility.
9. OAC Rule 3745-27-19(B)(3) states, "The owner or operator shall operate the facility in such a manner that ...odors are strictly controlled[.]"
10. Since the issuance of the March 2010 Orders and subsequent revision of Respondent's Action plan (dated March 9, 2011), Respondent has failed to strictly control odors at the Facility, in violation of OAC 3745-27-19(B)(3).
11. The Action Plan provides that "Ohio EPA may request or require changes to the Action Plan."
12. In light of the foregoing, and in accordance with Section XIII of the March 2010 Orders, the Director finds that these Modified Director's Final Findings and Orders are necessary to address the ongoing odor issues at the Facility. These Modified Director's Final Findings and Orders are intended to revise and modify Sections IV and V of the March 2010 Orders.

V. ORDERS

The Director hereby issues the following Orders:

1. Section IV of the March 2010 Orders is hereby modified to include the following after Finding number 44:
 - “45. Hamilton County Public Health and the Southwest Ohio Air Quality Agency have received and validated complaints alleging landfill odors emanating from the Facility.
 46. OAC Rule 3745-27-19(B)(3) states, “The owner or operator shall operate the facility in such a manner that ... odors are strictly controlled[.]”
 47. Since at least March 18, 2010, Respondent has failed to strictly control odors at the Facility, in violation of OAC 3745-27-19(B)(3).
 48. Respondent is required to submit its updated closure cost estimate for the operation and maintenance of the gas and leachate collection systems in accordance with OAC Rule 3745-27-15(D).”
2. Section V of the March 2010 Orders is hereby modified to include the following after Order number 10:
 - “11. Not later than May 1, 2012, Respondent shall complete the installation of an odor control blanket over approximately 32 acres of the Facility as identified in the shaded areas of Attachment A, which is appended hereto.
 12. Not later than thirty days after the installation of the odor control blanket as required by Order Number 11, above, Respondent shall submit to Ohio EPA-Southwest District Office and Southwest Ohio Air Quality Agency a certification documenting the successful installation of the odor control blanket pursuant Section 4 of the Action Plan.
 13. Not later than sixty days after the effective date of these Orders, Respondent shall submit to Ohio EPA-Southwest District Office and the Southwest Ohio Air Quality Agency calculations demonstrating whether there is adequate flare capacity for the destruction of landfill gas captured by the odor control blanket installed pursuant to Order Number 11, above.

If calculations demonstrate that there is not adequate flare capacity, not later than one hundred eighty (180) days after submitting this

demonstration, Respondent shall install an adequate number of utility flare(s) such that the Facility meets or exceeds the flare capacity required for the destruction of landfill gas captured by the odor control blanket.

14. As part of the annual review and revision of the closure cost estimate required in March 2012, and each year thereafter pursuant to OAC Rule 3745-27-15, Respondent shall include in the closure cost estimate an amount for the additional costs associated with the operation and maintenance of the gas and leachate collection systems.
15. Not later than thirty days after the effective date of these Orders, Respondent shall pay the amount of fifty six thousand forty one dollars (\$56,041.00) in settlement of Ohio EPA's claim for civil penalties for violations of OAC Rule 3745-27-19(B)(3), which may be assessed pursuant to ORC Chapter 3734. Not later than thirty days after the effective date of these Orders, payment to Ohio EPA shall be made by official check made payable to "Treasurer, State of Ohio" for forty four thousand eight hundred thirty two dollars and eighty cents (\$44,832.80). The official check shall be submitted to Brenda Case, or her successor, together with a letter identifying the Respondent, to:

Ohio EPA
Office of Fiscal Administration
P.O. Box 1049
Columbus, Ohio 43216-1049
16. In lieu of paying the remaining eleven thousand two hundred eight dollars and twenty cents (\$11,208.20) of the civil penalty, Respondent shall, not later than thirty days after the effective date of these Orders, fund a Supplemental Environmental Project ("SEP") by making a contribution in the amount of eleven thousand two hundred eight dollars and twenty cents (\$11,208.20) to the Ohio EPA's Clean Diesel School Bus Program Fund (Fund 5CD0). Respondent shall tender an official check made payable to "Treasurer, state of Ohio" for eleven thousand two hundred eight dollars and twenty cents (\$11,208.20). The official check shall be submitted to Brenda Case, or her successor, together with a letter identifying the Respondent and Fund 5CD0, to the above-stated address.
17. Should Respondent fail to fund the SEP within the required time frame set forth in Order number 16, Respondent shall immediately pay to Ohio EPA eleven thousand two hundred eight dollars and

twenty cents (\$11,208.20) of the civil penalty in accordance with the procedures in Order number 15.”

3. Not later than sixty days after the effective date of these Orders, Respondent shall submit to Ohio EPA-Southwest District Office, the Hamilton County Public Health (Department) and the Southwest Ohio Air Quality Agency a revised Action Plan that includes all activities associated with compliance with the modifications made to the March 2010 Orders via Order number 2, above.
4. Except as specifically set forth in Order numbers 1 and 2 above, all provisions of the March 2010 Orders remain unchanged and in effect.

VI. TERMINATION

Respondent's obligations under these Orders shall terminate when Respondent certifies in writing and demonstrates to the satisfaction of Ohio EPA that Respondent has performed all obligations under these Orders and the Chief of Ohio EPA's Division of Materials and Waste Management acknowledges, in writing, the termination of these Orders. If Ohio EPA does not agree that all obligations have been performed, then Ohio EPA will notify Respondent of the obligations that have not been performed, in which case Respondent shall have an opportunity to address any such deficiencies and seek termination as described above.

The certification shall contain the following attestation: "Rumpke Sanitary Landfill, Inc. certifies that the information contained in or accompanying this certification is true, accurate and complete."

This certification shall be submitted by the Respondent to Ohio EPA and shall be signed by a responsible official of Respondent.

VII. OTHER CLAIMS

Nothing in these Orders shall constitute or be construed as a release from any claim, cause of action or demand in law or equity against any person, firm, partnership or corporation, not a party to these Orders, for any liability arising from, or related to, the operation of Respondent's Facility.

VIII. 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 Respondent.

IX. MODIFICATIONS

These Orders may be modified by agreement of the parties hereto. Modifications shall be in writing and shall be effective on the date entered in the journal of the Director of Ohio EPA.

X. NOTICE

All documents required to be submitted by Respondent pursuant to these Orders shall be addressed to:

Ohio Environmental Protection Agency
Southwest District Office
Division of Materials and Waste Management
Attn: District Chief
401 East Fifth Street
Dayton, Ohio 45402

Hamilton County Public Health
250 William Howard Taft Road, 2nd Floor
Cincinnati, OH 45219

and

Southwest Ohio Air Quality Agency
250 William Howard Taft Road, 1st Floor
Cincinnati, Ohio 45219

XI. RESERVATION OF RIGHTS

Ohio EPA and Respondent each reserve all rights, defenses, privileges and causes of action, except as specifically waived in Section XII of these Orders.

XII. WAIVER

In order to resolve disputed claims, without admission of fact, violation or liability, and in lieu of further enforcement action by Ohio EPA for only the violations specifically cited in these Orders, Respondent consents to the issuance of these Orders and agrees to comply with these Orders. Respondent hereby waives the right to appeal the issuance, terms and conditions, and service of these Orders, and Respondent hereby waives any and all rights Respondent may have to seek administrative or judicial review of these Orders either in law or equity. Compliance with these Orders shall be a full accord and satisfaction for Respondent's liability for the violations specifically cited herein.

Notwithstanding the preceding, Ohio EPA and Respondent agree that if these Orders are appealed by any other party to the Environmental Review Appeals Commission, or any court, Respondent retains the right to intervene and participate in such appeal. In

such an event, Respondent shall continue to comply with these Orders notwithstanding such appeal and intervention unless these Orders are stayed, vacated, or modified.

XIII. EFFECTIVE DATE

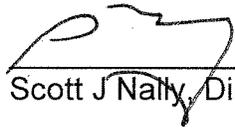
The effective date of the Orders is the date these Orders are entered into the Ohio EPA Director's Journal.

XIV. SIGNATORY AUTHORITY

Each undersigned representative of a party to these Orders certifies that he or she is fully authorized to enter into these Orders and to legally bind such party to these Orders.

ORDERED AND AGREED:

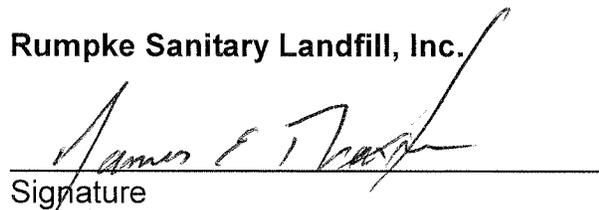
Ohio Environmental Protection Agency



Scott J Nally, Director

AGREED:

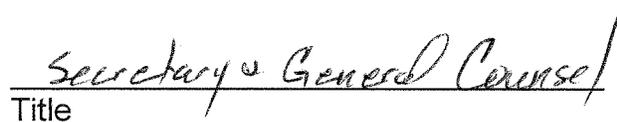
Rumpke Sanitary Landfill, Inc.



Signature



Printed or Typed Name



Title



Note: The topography shown is a composite of USGS 2.5' and 11' ground surveys.

- LEGEND**
- CT --- PROPOSED GAS TRENCH
 - DCT --- PROPOSED UNDERDRAIN
 - UT --- PROPOSED UNDERDRAIN WITH 1" PERFORATED PIPE
 - GM --- EXISTING GRAVITY LINE
 - CH --- EXISTING HEADER
 - PM --- EXISTING PUMP
 - GT --- EXISTING GAS TRENCH

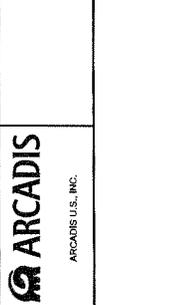
OCB Stage 4 (9 ac) - Proposed

OCB Stage 5 (22.9 ac) - Proposed

Proposed OCB Area: 31.5 AC
 Proposed Gas Trench: 4,500 LF
 Proposed Underdrain: 2,800 LF
 Proposed Underdrain with 1" Perforated Pipe: 4,500 LF
 Proposed Gravity Line: 4,500 LF
 Proposed Header: 4,500 LF
 Proposed Pump: 4,500 LF
 Proposed Gas Trench: 4,500 LF

ARCADIS PROJECT NO.	11-11-11
ARCADIS SHEET NO.	11-11-11
ARCADIS DATE	11-11-11
ARCADIS DRAWN BY	11-11-11
ARCADIS CHECKED BY	11-11-11
ARCADIS PROJECT NO.	11-11-11

Proposed OCB Extension - 2.6 Acres



PROJECT NO.	11-11-11
DATE	11-11-11
SCALE	AS SHOWN
DRAWN BY	11-11-11
CHECKED BY	11-11-11
PROJECT NO.	11-11-11

SCALE(S) AS INDICATED

USGS TOPOGRAPHIC MAP

VERTICAL CURVATURE CORRECTED

GRAPHIC SCALE

1A of 3