



State of Ohio Environmental Protection Agency

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Issuance Date: \_\_\_\_\_

Effective Date: \_\_\_\_\_

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter Of:

Tremont Landfill Company : Director's Final
2 Riverplace, Suite 400 : Findings and Orders
Dayton, Ohio 45405 :

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to the Tremont Landfill Company ("TLC") pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") in accordance with Ohio Revised Code ("ORC") Sections 3734.041 and 3734.13 and Ohio Administrative Code ("OAC") Rule 3745-27-12(I).

II. PARTIES BOUND

These Orders shall apply to and be binding upon TLC and its successors in interest liable under Ohio law. No change in ownership of TLC, or the Facility as hereinafter defined, shall in any way alter TLC'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

Bob Taft, Governor
Jennette Bradley, Lieutenant Governor
Christopher Jones, Director

The Director of Ohio EPA has determined the following findings:

1. TLC is the owner, operator, and permittee of the Tremont City Landfill ("Facility") located at 3108 Snyder-Domer Road in Clark County, Ohio. The Facility is a "sanitary landfill facility" as that term is defined in OAC Rule 3745-27-01.
2. TLC is a "person" as that term is defined in ORC Section 3734.01(G) and OAC Rule 3745-27-01(P)(3).
3. The Facility began operating in 1969 in accordance with a plan approval issued by the Ohio Department of Health. On October 18, 1991, Ohio EPA issued an Environmental Improvement Permit to Install ("EIPTI") (PTI Number 05-4867) to TLC to modify the Facility.
4. On February 1, 1989, TLC submitted an Explosive Gas Monitoring Plan ("EGMP") for the Facility as part of the EIPTI. The EGMP was approved on October 18, 1991, and a revision to the EGMP was submitted to the operating record in accordance with OAC Rule 3745-27-09. On September 2, 1994, a revision was submitted to Ohio EPA. Another revision to the EGMP was submitted and implemented on March 17, 1995.
5. On September 16, 1994, TLC ceased acceptance of solid waste for disposal at the Facility. On July 14, 1995, TLC submitted a report certifying that solid waste closure activities at the Facility had been completed.
6. By letter dated January 9, 1995, TLC requested an alteration of the Facility's EIPTI. Specifically, TLC requested to install solar flares on existing passive gas vents and to plug existing gas vents that do not have flares as methods to reduce odors emanating from the Facility. On February 1, 1995, Ohio EPA authorized the alteration.
7. On November 13, 2000, Ohio EPA received a subsequent request to alter PTI Number 05-4867 in order to convert the existing passive gas system on the landfill to an active gas extraction/collection system. Ohio EPA never authorized this request, but the passive system was converted to an active system in order to use the gas at a manufacturing plant in the vicinity. As a result of the conversion, most of the solar powered flares were disconnected.
8. The Facility's EGMP contains contingency measures to be performed by site personnel in the event explosive gas is detected at levels equaling or exceeding the Explosive Gas Threshold Limit ("EGTL"). These measures include evaluating

potential hazards to property and human life and notifying appropriate health and safety departments by phone and certified mail; resampling to confirm or disprove exceedances of the EGTL; and providing for corrective actions, as appropriate.

9. There are four (4) occupied structures on site at the Facility: the landfill office and a maintenance building on the south end of the landfill, a maintenance garage on the north end of the landfill, which is used for materials storage, and a garage on the southwest margin of the landfill near the Facility boundary. There are two (2) residences within one thousand (1000) feet of the limits of waste placement, one south of Chapman Creek and the other immediately west of the landfill.
10. Since implementation of the EGMP, the EGTL has been exceeded on multiple occasions at the following probes: MW-7S, GMP-2, GMP-10, GMP-16, and GMP-17.
11. The October 2003 quarterly monitoring report indicated that MW-7S and GMP-2 equaled or exceeded the EGTL on September 18, 2003. MW-7S is located on the east perimeter of the landfill at the Facility boundary. GMP-2 is located within 100 feet of the garage, an occupied structure as defined in OAC Rule 3745-27-12(A)(5), on the southwest margin of the landfill.
12. TLC ceased monitoring, sampling, and reporting of explosive gas levels at the Facility in October 2003 and did not implement contingency measures after equaling or exceeding the EGTL at MW-7S and GMP-2 on September 18, 2003.
13. Due to complaints from the Clark County Combined Health District ("Health Department") regarding gas odors at the Facility, Ohio EPA, accompanied by the Health Department, conducted sampling of the Facility's explosive gas monitoring probes on July 14, 2004. Results indicated that MW-7S and Probe 6D South 1 equaled or exceeded the EGTL. Probe 6D South 1 is located on the west slope of the landfill. Ohio EPA also observed landfill gas bubbling through the surface of the cap near the Central Sump and adjacent to inactive flare number 10 on the northwest slope of the landfill.
14. On September 7, 2004, Ohio EPA, accompanied by the Health Department, once again conducted sampling of the explosive gas monitoring probes at the Facility. Results indicated that the following probes equaled or exceeded the EGTL: MW-7S, Central Sump, Probe 6D South 1, and GMP-10. The Central Sump probe is located near a leachate outbreak on the east slope of the landfill where gas is bubbling through the surface of the landfill cap, and GMP-10 is located inside the maintenance building, which is regularly used by individuals, approximately seventy-

five (75) feet from the limits of waste placement.

15. Although monitoring results indicate that the EGTL has been exceeded on multiple occasions, TLC is not implementing contingency measures at the Facility as detailed in the Facility's EGMP and in accordance with OAC Rule 3745-27-12 .
16. ORC Section 3734.041(D) and OAC Rule 3745-27-12(I) specify that upon the Director finding that explosive gas formation and migration threaten human health, safety, or the environment, he may order the owner or operator to perform such measures to abate or minimize the formation or migration of explosive gas.
17. Detection of explosive gas in explosive monitoring probes MW-7S, GMP-2, and GMP-10 is indicative of the formation of explosive gas and its migration away from waste disposal limits toward the facility boundary and occupied structures.
18. Because explosive gas has been detected at the Facility, at or near the Facility boundary, and in occupied structures at levels equaling or exceeding the EGTL, and because TLC is not implementing the contingency measures detailed in the Facility's EGMP, the formation and migration of explosive gas from the Facility constitute a threat to human health, safety, and the environment, and the immediate abatement or minimization of explosive gas formation and migration is required.

## **V. ORDERS**

1. Not later than thirty (30) days after the effective date of these Orders, TLC shall perform assessment activities in order to determine the full extent of explosive gas formation and migration at and from the Facility.
2. Not later than ten (10) days prior to the start of the assessment activities, as required by Order Number 1, above, TLC shall provide written notification to Ohio EPA.
3. Not later than sixty (60) days after the effective date of these Orders, TLC shall design a remediation system or solution to ensure that the formation and migration of explosive gas at and from the Facility does not constitute a threat to human health, safety, or the environment. At a minimum, the remediation system or solution shall be designed to ensure that explosive gas levels during a minimum of four sequential monitoring events, over a minimum period of two consecutive weeks, no longer exceed the EGTL. The plan for the remediation system or solution shall be submitted to Ohio EPA.

4. As soon as practicable, but not later than ninety (90) days after the effective date of these Orders, TLC shall implement the remediation system or solution. The remediation system or solution shall abate or minimize the formation and migration of explosive gas at the Facility such that the threat to human health, safety, and the environment no longer exists, and at a minimum, shall ensure that explosive gas levels during a minimum of four sequential monitoring events, over a minimum period of two consecutive weeks, no longer exceed the EGTL.
5. Until these Orders terminate, TLC shall continue weekly monitoring of all monitoring locations in contingency monitoring and any other monitoring locations that exceed the EGTL during semi-annual monitoring.
6. Not later than one hundred fifty (150) days after the remediation system or solution has been implemented, TLC shall submit a report to Ohio EPA for review and comment, which includes at least four (4) consecutive months of weekly monitoring results from all affected monitoring locations.
7. Not later than 30 days after receipt of written notice from Ohio EPA that the remediation system or solution has not met the criteria specified in Order Number 4, above, TLC shall submit to Ohio EPA a plan for a redesigned remediation system or solution, and shall, within 60 days of such receipt, implement the redesigned remediation system or solution. Not later than 90 days after implementing the redesigned remediation system or solution, TLC shall submit a report to Ohio EPA evaluating the effectiveness of the redesigned remediation system or solution in meeting the criteria specified in Order Number 4, above. The report shall include at least two (2) consecutive months of weekly monitoring results from all affected monitoring locations.
8. Upon receipt of any subsequent notice from Ohio EPA that a remediation system or solution has not met the criteria specified in Order Number 4, TLC shall, not later than 30 days after such receipt, submit to Ohio EPA a plan for a redesigned remediation system or solution, shall, not later than 60 days after such receipt, implement the redesigned remediation system or solution, and shall, not later than 90 days after implementing the redesigned remediation system or solution, submit a report evaluating the effectiveness of the redesigned remediation system or solution in meeting the criteria specified in Order Number 4, above.
9. TLC shall continue monitoring in accordance with the approved explosive gas monitoring plan and shall maintain the remediation system or solution until the end of the post-closure care period and until no other threats to human health, safety, or the environment exist as a result of the formation and migration of explosive gas at

the Facility.

## **VI. TERMINATION AND SATISFACTION**

TLC's obligations under these Orders shall terminate when TLC certifies in writing and demonstrates to the satisfaction of Ohio EPA that TLC has performed all obligations under these Orders and the Chief of Ohio EPA's Division of Solid and Infectious 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 TLC of the obligations that have not been performed, in which case TLC shall have an opportunity to address any such deficiencies and seek termination as described above.

The certification shall contain the following attestation: "I certify that the information contained in or accompanying this certification is true, accurate, and complete."

This certification shall be submitted by TLC to Ohio EPA and shall be signed by a responsible official of TLC. For purposes of these Orders, a responsible official is a representative from TLC or its authorized designee.

## **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 signatory to these Orders for any liability arising out of or relating to the management of the 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 TLC.

## **IX. NOTICE**

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

Ohio Environmental Protection Agency  
Southwest District Office  
Division of Solid and Infectious Waste Management  
401 East Fifth Street  
Dayton, Ohio 45402-2911  
Attn: Supervisor

or to such persons and addresses as may hereafter be otherwise specified in writing by Ohio EPA.

#### **X. RESERVATION OF RIGHTS**

Nothing contained herein shall be construed to prevent Ohio EPA from seeking legal or equitable relief to enforce the terms of these Orders or from taking other administrative, legal, or equitable action as deemed appropriate and necessary, including seeking penalties against TLC for non-compliance with these Orders and/or for the violations contained herein. Nothing contained herein shall be construed to prevent Ohio EPA from exercising its lawful authority to require TLC to perform additional activities pursuant to ORC Chapter 3734. or any other applicable law in the future. Nothing herein shall restrict the right of TLC to raise any administrative, legal, or equitable claim or defense with respect to such further actions which Ohio EPA may seek to require of TLC. Nothing in these Orders shall be construed to limit the authority of Ohio EPA to seek relief for violations not addressed in these Orders.

#### **IT IS SO ORDERED**

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Christopher Jones  
Director