



Mike DeWine, Governor
Jon Husted, Lt. Governor
Laurie A. Stevenson, Director

May 1, 2019

City of Urbana
205 S. Main Street
Urbana, Ohio 43078

**Re: Urbana Landfill
Director's Final Findings and Orders (DFFO)
DFFO
Municipal Solid Waste Landfills
Champaign County
MSWL019458**

Subject: Final Findings and Orders of the Director

Dear Sir or Madam:

Transmitted herewith are the Final Findings and Orders of the Director concerning the matter indicated for the City of Urbana.

If you have any questions, please contact Teri Finrock at (614) 644-3037.

Sincerely,

A handwritten signature in black ink that reads "Jeri Main". The signature is written in a cursive, flowing style.

Jeri Main, Administrative Professional Unit
Division of Materials & Waste Management

Enclosure

ec: Kelly Jeter, DMWM, CO
Bruce McCoy, DMWM, CO
Alison Shockley, DMWM, CO
Michelle Ackenhausen, DMWM, SWDO
Teri Finrock, Legal
Andrea Smoktonowicz, Legal

**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

In the Matter Of:

City of Urbana
205 S. Main Street
Urbana, Ohio 43078

:
:
:

Director's Final Findings
and Orders

Respondent

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

Ohio EPA MAY 1 '19
Entered Directors Journal

These Director's Final Findings and Orders ("Orders") are issued to the City of Urbana ("Respondent") pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("ORC") Sections 3734.13, 3734.041, 3745.01, and Ohio Administrative Code ("OAC") Rule 3745-27-12(I).

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 the 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 has determined the following findings:

1. Respondent is the current owner of the Urbana Closed Landfill located at 1217 Children's Home Road, Urbana, Champaign County, Ohio ("Facility"). Respondent is obligated under OAC Rule 3745-27-12 to perform landfill explosive gas migration monitoring and remediation, if necessary.
2. The Facility is a closed "solid waste disposal facility" as that term is defined in OAC Rule 3745-27-01(S)(24) and "sanitary landfill facility" as that term is

defined in OAC Rule 3745-27-01(S)(4) and used in ORC Section 3734.041.

3. The Facility accepted municipal solid waste from 1953 to 1987. Respondent ceased accepting waste at the Facility on December 31, 1987. Respondent completed closure of the Facility on June 1, 1990. Respondent operated an active gas extraction system from 1995 until October 2005. The gas extraction system was shutoff in October 2005 because the methane concentration had decreased, and the gas extraction's system's flare was being fueled by propane. Since that time, Respondent has been conducting post-closure care of the Facility which included taking methane readings from the Facility's gas monitoring probes.
4. Since 2012, Respondent has reported increase methane levels in the monitoring probes located at the southern boundary of the Facility. In response, Ohio EPA requested that Respondent determine the cause for the increased methane levels at the Facility's southern boundary. In the late fall of 2015, Ohio EPA learned that new construction was being contemplated for the area close to the southern border of the landfill.
5. In a February 4, 2016 letter to Respondent, Ohio EPA requested that Respondent identify potential gas migration pathways along the Facility's southern border, install additional gas monitoring probes where necessary, and evaluate and make improvements to the gas extraction system to prevent methane from migrating beyond the Facility's boundaries.
6. On July 25, 2016, Respondent submitted a OAC Rule 3745-27-13 request to Ohio EPA to perform work on the closed landfill. Respondent revised this request on August 2, and 26, 2016. Respondent proposed to conduct a geoprobe investigation into the landfill, inspect the existing gas extraction system and vents, install additional gas vents into the waste disposal area and place additional fill material on top of the low-lying areas of waste.
7. On September 16, 2016, the Director of Ohio EPA approved Respondent's OAC Rule 3745-27-13 request.
8. On March 10, 2017, Ohio EPA, Respondent, its consultant, and the Champaign Health District met to discuss the results of Respondent's OAC Rule 3745-27-13 activities completed in the fall of 2016. Based on these activities, Respondent proposed a pilot study to install temporary blowers on the gas extraction system to actively remove the methane from the Facility.
9. In a letter received August 1, 2017, Respondent submitted a formal request to Ohio EPA for an exemption from permit to install requirements pursuant to OAC Rule 3745-31-03(B)(3)(f) for temporary installation of blowers on the gas extraction system ("pilot study").
10. On September 5, 2017, the Director of Ohio EPA approved the pilot study and

granted the exemption with conditions. The approval and exemption would expire on September 5, 2018.

11. In the Fall of 2017, Respondent suspended the pilot study due to condensate freezing in the lines of the gas extraction system.
12. On March 29, 2018, Ohio EPA and Respondent met to discuss the continuing explosive gas issues at the Facility. Respondent had reported on March 28, that thirteen gas monitoring probes were found to be above the lower explosive limit of 5.0% methane by volume.
13. In a letter dated April 6, 2018, Ohio EPA requested Respondent to submit a work plan that included milestones for addressing the methane gas issues at the Facility. In a letter dated May 9, 2018, Respondent submitted a work plan.
14. In a letter dated May 18, 2018, Ohio EPA found that Respondent's work plan lacked sufficient detail and requested that Respondent submit no later than July 31, 2018 a remediation plan and implementation schedule for preventing methane gas migration from the Facility.
15. In a letter dated July 31, 2018, Respondent submitted to Ohio EPA a pilot test summary report and recommendations ("remediation plan") for improvements to the gas extraction system that included permanent installation of the blowers and installation of additional vents.
16. On August 27, 2018, Ohio EPA, Southwest District Office (SWDO) concurred with the proposed improvements outlined in the remediation plan.
17. On January 24, 2019, at Ohio EPA's request, Respondent installed explosive gas alarms at the residences located at 982, 990, and 996 Old Farm Road, Urbana, Ohio. These residences are within 200 feet of monitoring probes, GMP-17 and GMP-36, which have had exceedances above 5.0% methane by volume.
18. On January 28, 2019, Respondent submitted a permit to install application to Ohio EPA for the permanent installation of blowers on the gas extraction system.
19. On January 30, 2019, Respondent submitted a request to Ohio EPA for an exemption from an air permit to install requirements pursuant to OAC Rule 3745-31-03(B)(3)(f) to utilize the blowers while the permit to install application was pending.
20. On February 4, 2019, the Director of Ohio EPA granted the exemption with minor conditions to operate the blowers.
21. At the southern boundary of the Facility, there have been exceedances above 5.0% methane at monitoring probes GMP-17 and GMP-36, as recently as January

9, 2019. These exceedances were 6.7% and 16.6%, respectively. There are approximately three residences, referenced in Finding No. 17 of these Orders, that are within 200 feet of these monitoring probes.

22. Per OAC Rule 3745-27-12(I), upon the Director's finding that explosive gas formation and migration threaten human health, safety or the environment, she may order the person identified in the rule to perform such measures to abate or minimize the formation or migration of explosive gas.
23. Based upon the explosive gas monitoring results obtained by Ohio EPA and Respondent, the Director hereby finds that explosive gas formation and migration at the Facility does threaten human health, safety or the environment.

V. ORDERS

Respondent shall achieve compliance with ORC Chapters 3734, and the rules promulgated thereunder, including OAC Rule 3745-27-12, as effective 2014, according to the following compliance schedule:

1. Within fourteen (14) days of the effective date of these Orders, Respondent shall provide to all occupants and owners of residences with explosive gas alarms written instructions on the proper actions to take when the warning systems on the explosive gas alarms have been activated. Respondent shall develop these instructions based on the manufacturer's recommendations and in consultation with the local fire department. Respondent shall include in the written instructions a 24-hour monitored phone number where it can be contacted if the warning system has been activated.

Within fourteen (14) days of the effective date of these Orders, Respondent shall have in place a written protocol for responding to notification that the explosive gas alarms in residences have been activated. This protocol shall include contingency plans to investigate, and abate, if necessary, the methane gas from the residences. The contingency plan shall also include plans to shelter the occupants of the residences until each residence is deemed safe by the fire department.

Within in thirty (30) days of the effective date of these Orders, Respondent shall have the explosive gas alarms in each residence tested. If the alarm is not functioning properly, Respondent shall replace it immediately. Thereafter, Respondent shall test the alarms in each residence annually. If the alarm is not functioning properly, Respondent shall replace it immediately. Additionally, Respondent shall review the manufacturer's specifications for each alarm. Respondent shall follow the manufacturer's replacement recommendations when an alarm is at the end of its life cycle. Respondent shall submit the results of the testing of the explosive gas alarms to Ohio EPA, and the owners and occupants of residence, within 15 days following the testing event.

For any residence that receives an explosive gas alarm after the effective date of these Orders, Respondent shall provide occupants and owners during alarm installation with the written instructions referenced above. Respondent shall also add the residence to its written protocol and to its annual schedule to test and calibrate the alarms referenced above.

2. Upon the effective date of these Orders, Respondent shall temporarily install the blowers to the gas extraction system and start operating the blowers once the ambient temperature reaches above 40 degrees Fahrenheit so that there is a reduction in methane levels.
3. Within thirty (30) days of the effective date of these Orders, Respondent shall commence work on the improvements to the gas extraction system as described in the remediation plan. Respondent shall provide Ohio EPA with seven (7) days advance notice prior to commencing work.
4. Within one hundred and fifty (150) days of the effective date of these Orders, the work outlined in the remediation plan shall be completed, including permanent installation of the blowers referenced in Order No. 2 of these Orders, and the Facility's gas extraction system shall be operational and actively removing methane gas.
5. Upon the effective date of these Orders, Respondent shall provide Ohio EPA, SWDO with weekly contingency gas monitoring reports and weekly written progress reports of the work required in these Orders.
6. Within one hundred and eighty (180) days of the effective date of these Orders, the Facility's gas monitoring probes will be below 5.0% methane by volume. At this time, Respondent may request to Ohio EPA that it cease contingency monitoring in any probes that have been below 5% methane by volume for a minimum of four consecutive weeks. Respondent shall continue contingency monitoring until it receives approval from Ohio EPA, at which time it may return to compliance monitoring. Ohio EPA shall not unreasonably withhold approval to return to compliance monitoring.
7. Within two hundred and ten (210) days of these Orders, Respondent shall submit to Ohio EPA for concurrence a written certification report demonstrating that work was completed in accordance with the permit to install, once issued, and the remediation plan. Respondent shall also submit to Ohio EPA updated as-built drawings of the gas extraction system.
8. Within two hundred and ten (210) days of these Orders, Respondent shall submit a revised Explosive Gas Monitoring Plan to Ohio EPA for review and approval.

VI. REVIEW OF SUBMITTALS

Ohio EPA may review any plan, report, or other item required to be submitted pursuant to these Orders in accordance with this Section. Upon review, Ohio EPA may in its sole discretion: (a) approve the submission in whole or in part; (b) disapprove the submission in whole or in part, notifying Respondent of deficiencies; or (c) a combination of the above. The results of Ohio EPA's review shall be in writing and provided to Respondent. In the event of approval as is, Respondent shall proceed to take any action required by the submission as approved by Ohio EPA.

In the event that Ohio EPA initially disapproves a submission, in whole or in part, and notifies Respondent in writing of the deficiencies, Respondent shall within 14 days, or such longer period of time as specified by Ohio EPA in writing, address the deficiencies and submit a revised submission to Ohio EPA for approval. The revised submission shall address all of the deficiencies specified by Ohio EPA in its notice of disapproval. Revised submissions shall be accompanied by a letter indicating how and where each Ohio EPA comment was addressed in the submission. Any other changes made to the submission by Respondent shall also be identified in the letter.

In the event of approval of a revised submission, Respondent shall proceed to take any action required by the revised submission as approved by Ohio EPA.

If Respondent fails to submit a revised submission addressing the deficiencies noted by Ohio EPA within 14 days, or such alternate period of time specified by Ohio EPA in writing, Respondent shall be considered in breach and/or violation of these Orders. If Respondent is in breach and/or violation of these Orders, Ohio EPA retains all rights it may have to enforce the terms of these Orders or any rule or statute and/or take any action it deems appropriate to protect human health or safety or the environment.

VII. 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: "I certify that the information contained in or accompanying this certification is true, accurate and complete."

This certification shall be submitted by Respondent to Ohio EPA and shall be signed by a responsible official of Respondent. For purposes of these Orders, a responsible official

is a representative from the City of Urbana.

VIII. 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.

IX. 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.

X. 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.

XI. 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
401 East Fifth Street
Dayton, Ohio 45402
Attn: Tracy Buchanan, Supervisor, DMWM

and to:

Champaign Health District
1512 South U.S. 68
Urbana, Ohio 43078
Attn: Health Commissioner

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

XII. RESERVATION OF RIGHTS

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

XIII. 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. Compliance with these Orders shall be a full accord and satisfaction for Respondent's liability for the violations specifically cited herein.

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.

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.

XIV. EFFECTIVE DATE

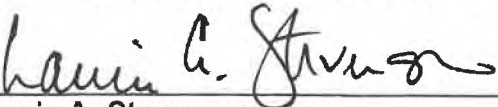
The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

XV. 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.

IT IS SO ORDERED AND AGREED:

Ohio Environmental Protection Agency



Laurie A. Stevenson

Director

IT IS SO AGREED:

City of Urbana



Signature

4/30/19

Date

KERRY BURMAN

Printed or Typed Name

Director of Administration

Title