



John R. Kasich, Governor
Mary Taylor, Lt. Governor
Craig W. Butler, Director

June 8, 2015

John Butler
Rumpke Sanitary Landfill
10795 Hughes Road
Cincinnati, Ohio 45251
Subject: Final Findings and Orders

Dear Mr. Butler:

Transmitted herewith are the Final Findings and Orders of the Director concerning the matter indicated for Rumpke Sanitary Landfill, Inc..

You are hereby notified that this action of the Director of Ohio EPA (Director) is final and may be appealed to the Environmental Review Appeals Commission pursuant to Section 3745.04 of the Ohio Revised Code. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. The appeal must be filed with the Commission within thirty (30) days after notice of the Director's action. The appeal must be accompanied by a filing fee of \$70.00 made payable to "Treasurer, State of Ohio." The Commission, in its discretion, may reduce the fee if by affidavit it is demonstrated that payment of the full amount of the fee would cause extreme hardship. Notice of the filing of the appeal shall be filed with the Director within three (3) days of filing with the Commission. Ohio EPA requests that a copy of the appeal be served upon the Ohio Attorney General's Office, Environmental Enforcement Section. An appeal may be filed with the Environmental Review Appeals Commission at the following address:

Environmental Review Appeals Commission
77 South High St., 17th Floor
Columbus, Ohio 43215

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

Sincerely,
D. Crumiell-Hagens
Demitria Crumiell-Hagens, Administrative Professional II
Division of Materials & Waste Management

Enclosure

cc: Scott Hester, DMWM, CO
Jeremy Carroll, DMWM, CO
Jeffery Hurdley, Legal
Michelle Ackenhausen, DMWM, SWDO
Michael Harris, DMWM, SWDO
Karen Bush, DMWM, SWDO

RE: Rumpke Sanitary Landfill
Non-Permit Related Exemption
Approval
Municipal Solid Waste Landfills
Hamilton County
MSWL018791

Director's Authorization

OHIO E.P.A.

Issuance Date: JUNE 08, 2015

JUN -8 2015

Effective Date: JUNE 08, 2015

ENTERED DIRECTOR'S...

**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

In the Matter of:

Rumpke Sanitary Landfill, Inc.
10795 Hughes Road
Cincinnati, Ohio 45251

Director's Final Findings
and Orders

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to Rumpke Sanitary Landfill, Inc., pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency (Ohio EPA) under Ohio Revised Code (ORC) Section 3714.04 and Ohio Administrative Code (OAC) Rule 3745-27-19(E)(7)(e).

II. PARTIES BOUND

These Orders shall apply to and be binding upon Rumpke Sanitary Landfill, Inc. and successors in interest liable under Ohio law. No change in ownership of Rumpke Sanitary Landfill, Inc., or Rumpke Sanitary Landfill, as hereinafter defined, shall in any way alter Rumpke Sanitary Landfill, Inc.'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 Chapters 3714 and 3734 and the rules promulgated thereunder.

IV. FINDINGS

The Director of Ohio EPA (Director) has determined the following findings:

1. Rumpke Sanitary Landfill, Inc., (Rumpke) is the owner of property (the Property) located at 10795 Hughes Road, Cincinnati, Hamilton County, Ohio. The Property includes Rumpke Sanitary Landfill (Facility), a sanitary landfill facility as that term is defined in OAC Rule 3745-27-01(S)(4).
2. A Cleaner Tomorrow (ACT) Recycling, Inc., located at 7959 Harrison Avenue, Cleves, Hamilton County, Ohio, a division of Wayne Contractors, recycles concrete, asphalt, brick, block and building materials. ACT produces a recycled

material stream that passes through a 4-inch screen but is retained on a 2-inch screen. The recycled material stream is comprised predominantly of broken pieces of concrete, brick, block, asphalt, and stone, but it also contains a small percentage of wood, shingles, metal, and other materials.

3. Rumpke submitted a request (Request) to use the recycled material stream produced by ACT or similar material from other sources if authorized in writing by Ohio EPA (2" to 4" Material) to construct haul roads within the waste disposal footprint of the Facility, including the tipper base, turnaround areas, and unloading pads.
4. Pursuant to OAC Rule 3745-27-19(E)(7)(e), all waste admitted to a sanitary landfill facility shall be deposited at the working face, spread in layers not more than two feet thick, and compacted to the smallest practical volume, unless an alternate method is approved in writing by the Director. Using the 2" to 4" Material to construct haul roads at the Facility is an alternate method that requires written authorization from the Director.
5. Ohio EPA has reviewed the Request and has determined that authorizing an alternate method, pursuant to OAC Rule 3745-27-19(E)(7)(e), in order to use the 2" to 4" Material to construct haul roads at the Facility, including the tipper base, turnaround areas, and unloading pads, is appropriate.
6. ORC Sections 3714.07 and 3714.073 require the owner or operator of a solid waste facility to collect fees on the disposal of construction and demolition debris at a solid waste facility that is licensed under ORC Chapter 3734.
7. Pursuant to ORC Section 3714.04(A), the Director may, by order, exempt any person disposing of or proposing to dispose of construction and demolition debris in such quantities or under such circumstances that, in the determination of the Director, are unlikely to adversely affect the public health or safety or the environment, or to create a fire hazard, from any requirement of ORC Chapter 3714 or any rules adopted thereunder.
8. Rumpke has requested, pursuant to ORC Section 3714.04(A), to be exempted from the requirement to collect the fees required by ORC Sections 3714.07 and 3714.073 for the 2" to 4" Material when used to construct haul roads at the Facility, including when used to construct the tipper base, turnaround areas, and unloading pads.
9. Based on a review of the Request, Ohio EPA has determined that granting an exemption, pursuant to ORC Section 3714.04, from the requirements of ORC Sections 3714.07 and 3714.073 to collect fees on the disposal of the 2" to 4" Material when used to construct haul roads at the Facility, including the tipper

base, turnaround areas, and unloading pads, is unlikely to adversely affect public health or safety or the environment or create a fire hazard.

V. ORDERS

1. Pursuant to OAC Rule 3745-27-19(E)(7)(e), I hereby approve an alternate disposal method in order to use the 2" to 4" Material for construction of haul roads at the Facility. This approval applies only to use in road construction, including the tipper base, turnaround areas, and unloading pads.
2. Rumpke shall use only the 2" to 4" Material as proposed in the Request.
3. Rumpke shall ensure that the 2" to 4" Material is used only in the construction of haul roads at the Facility, including the tipper base, turnaround areas, and unloading pads.
4. The design and construction of the roads shall not exceed reasonable and customarily accepted design and construction practices, as previously implemented at the Facility.
5. Rumpke shall ensure that the 2" to 4" Material is used only within the certified horizontal and vertical limits of waste placement at the Facility.
6. Storage of the 2" to 4" Material shall occur within the certified horizontal and vertical limits of waste placement at the Facility. Rumpke shall apply cover in accordance with OAC Rule 3745-27-19(F) when 2" to 4" Material has not been deposited or removed from the storage area for a period of thirty days. The cover shall be applied by the end of the 31st day.
7. Rumpke shall ensure that any surface water that has come into contact with the 2" to 4" Material and may run off will be collected and contained either within the leachate collection system or the surface water retention ponds at the Facility.
8. Rumpke shall ensure consistent quality by conducting an evaluation of the 2" to 4" Material on a quarterly basis and submitting a written report to Hamilton County Public Health (HCPH) and Ohio EPA, DMWM, Southwest District Office (SWDO). The report shall contain the following:
 - a. Comparison of the past quarter's material to samples evaluated by HCPH and Rumpke prior to initially accepting the 2" to 4" Material.

- b. Identification of all areas of the Facility where the 2" to 4" Material has been used during the past quarter, by indication on a map or drawing.
 - c. Results of any NPDES sampling performed during the past quarter.
 - d. Evaluation of the performance of the 2" to 4" Material during the past quarter.
 - e. Narrative of any instance where Rumpke discontinued using the 2" to 4" Material in road construction with a corresponding reason as to why use was discontinued.
9. Pursuant to ORC Section 3714.04, Rumpke is hereby exempted from the requirements of ORC Section 3714.07 and 3714.073 to collect disposal fees on the 2" to 4" Material when used for construction of haul roads at the Facility, including the tipper base, turnaround areas, and unloading pads.
10. Except as otherwise expressly provided herein, the Owner shall comply with all other applicable requirements of ORC Chapters 3714 and 3734 and the rules promulgated thereunder.

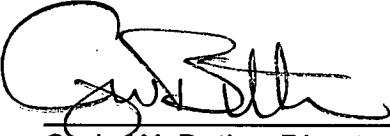
VI. OTHER CLAIMS

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 Facility.

VII. 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 Rumpke or the Facility.

IT IS SO ORDERED:



Craig W. Butler, Director

Ohio Environmental Protection Agency