



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

November 28, 2016

Stoney Hollow Landfill, Inc.  
2460 South Gettysburg Avenue  
Dayton, Ohio 45418

**Re: Stony Hollow Landfill  
Director's Final Findings and Orders (DFFO)  
DFFO  
Municipal Solid Waste Landfills  
Montgomery County  
MSWL018749**

**Subject: Stony Hollow Landfill Inc. Director's Interim Findings & Orders**

Dear Sir or Madam:

Transmitted herewith are the Final Findings and Orders of the Director concerning the matter indicated for Stony Hollow Landfill Inc.

If you have any questions, please contact Kelly Jeter at (614) 644-2621.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian Dearth", is written over a light blue horizontal line.

Brian Dearth, Administrative Officer 1  
Division of Materials & Waste Management

Enclosure

ec: Kelly Jeter, DMWM, CO  
Bruce McCoy, DMWM, CO  
Teri Finfrock, Legal  
Drew Bergman, Legal  
Jim Kavalec, DAPC, CO  
Carl Mussenden, DMWM, CO  
Russ Brown, DMWM, SWDO  
Jeff Viola, Waste Management  
Kristen Gale, Nijman-Franzetti

OHIO E.P.A.

NOV 28 2016

ENTERED DIRECTOR'S JOURNAL

BEFORE THE

**OHIO ENVIRONMENTAL PROTECTION AGENCY**

**In the Matter of:**

**Stony Hollow Landfill, Inc. : Director's Interim Findings  
2460 South Gettysburg Avenue : and Orders  
Dayton, Ohio 45418 :**

**PREAMBLE**

These Director's Interim Findings and Orders ("Orders") set forth actions Stony Hollow Landfill, Inc. ("Respondent") is required to perform in the short term. A set of Director's Final Findings and Orders will be issued later to require Respondent to take additional action. It is agreed by the parties hereto as follows:

**I. JURISDICTION**

These Orders are issued to Respondent pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("ORC") §§ 3704.03, 3734.13 and 3745.01.

**II. PARTIES BOUND**

These Orders shall apply to and be binding upon Respondent and successors in interest liable under Ohio law. No change in ownership of Respondent or of the facility 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 Chapters 3704 and 3734 and the rules promulgated thereunder.

**IV. FINDINGS**

The Director of Ohio EPA ("Director") makes the following findings:

1. Respondent owns and operates a sanitary landfill facility (Facility IDs 0857043008 and MSWL018749) located at 2460 South Gettysburg Avenue, Dayton, Montgomery County, Ohio 45418 ("Facility").
2. ORC §3704.05(A) states, in part, that "no person shall cause, permit or allow emission of an air contaminant in violation of any rule adopted by the director of environmental protection."

3. ORC Section 3704.05(J) states, in part, that, "no person shall violate any applicable requirement of a Title V permit or any permit condition."

4. Ohio Administrative Code ("OAC") rule 3745-15-07(B) states that "the emission or escape into the open air from any source or sources of odors whatsoever that is subject to regulation under Chapter 3745-17, 3745-18, 3745-21, or 3745-31 of the Administrative Code and is operated in such a manner to emit such amounts of odor as to endanger the health, safety, or welfare of the public, or cause unreasonable injury or damage to property, is hereby found and declared to be a public nuisance. It shall be unlawful for any person to cause, permit or maintain any such public nuisance."

5. On February 1, 2010, Ohio EPA issued a renewal Title V permit-to-operate (P0092995), with an effective date of February 22, 2010, to Respondent for various emissions units (EU). The EUs listed in P0092995 are "air contaminant sources" as defined in OAC rule 3745-15-01(C) and (X). The air contaminants emitted by the emissions units covered by this permit shall not cause a public nuisance, in violation of OAC rule 3745-15-07. In addition, Respondent is subject to the requirements of USEPA's Standards of Performance for New Stationary Sources ("NSPS"), 40 CFR, Part 60, Subpart WWW. The standards of performance for municipal solid waste landfills 40 CFR §60.753(c) states in part: "Each owner or operator of a municipal solid waste (MSW) landfill with a gas collection and control system (GCCS) used to comply with 40 CFR, Part 60, Subpart WWW, shall operate each interior wellhead in the collection system with a landfill gas temperature less than 55°C (131°F) and with either a nitrogen level less than 20 percent or an oxygen level less than 5 percent. The owner or operator may establish a higher operating temperature, nitrogen, or oxygen value at a particular well. A higher operating value (HOV) demonstration shall show supporting data that the elevated parameter does not cause fires or significantly inhibit anaerobic decomposition by killing methanogens." In addition, the Title V permit states, in part, that if remonitoring shows a third exceedance for the same location, a new well or other collection device shall be installed within 120 calendar days of the initial exceedance.

6. As temperatures inside the landfill at various wells increased, Respondent requested and received HOVs from Ohio EPA to operate at temperatures above 131°F, as outlined in P0092995 and 40 CFR, Part 60, Subpart WWW. However, on May 4, 2015, as temperatures continued to increase and gas levels began to deviate from required parameters, Ohio EPA did not approve further issuances of HOVs and revoked the HOVs previously issued to Respondent for the affected area along the eastern slope of the landfill where there was evidence that methanogenesis had decreased (the "affected area"). In August 2015 and March of 2016, Ohio EPA issued additional letters to Respondent not granting an HOV for additional extraction wells.

7. Respondent has conducted several efforts to lower the temperature within

the landfill, including, but not limited to: (1) adjusting vacuum at various well heads; (2) installing cooling loops as a trial method to physically cool the affected area of the landfill; (3) injecting nitrogen as a trial in the affected area of the landfill; (4) installing additional leachate collection piping to better control increased leachate production; and (5) installing additional gas wells in the affected area of the landfill and plans to install all necessary additional gas wells both within the affected area and outside the affected area as soon as feasible. Respondent anticipates that the additional wells will assist in mitigating nuisance odors. Respondent continues its efforts to return the gas wells in the affected area to the requirements of P0092995 and 40 CFR, Part 60, Subpart WWW.

8. Numerous gas collection wells are operating outside NSPS parameter with no HOV authorization. As such, the operation of these wells at temperatures above 131°F, and without expanding the well field within 120 days is a violation of the terms and conditions of Title V P0092995, 40 CFR, Part 60, Subpart WWW and ORC § 3704.05(J).

9. On June 2, 2016, the Regional Air Pollution Control Agency ("RAPCA"), Ohio EPA's contractual agent in Montgomery County, issued a Notice of Violation ("NOV") letter to Respondent for the operation of various wells in violation of the requirements of 40 CFR, Part 60, Subpart WWW. RAPCA required Respondent to submit a corrective action plan and schedule within 30 days of receipt of the NOV letter.

10. RAPCA received 18 complaints in May 2016 and 58 complaints in June 2016 regarding landfill odors. During the week of June 6, 2016, 53 odor complaints were attributed to landfill odors coming from the Respondent's facility. RAPCA performed 24 days of surveillance from May 10, 2016 through July 11, 2016 and on 12 of those days observed moderate to very strong landfill odors offsite.

11. On a June 9, 2016 conference call between RAPCA, Ohio EPA Southwest District Office, and Respondent's officials, as well as in a June 10, 2016 report submitted by Respondent, Ohio EPA and RAPCA were informed that during the installation of GW77, on June 6, 2016, unexpected volumes of landfill gas and leachate were encountered. GW77 is part of a planned gas collection system expansion which will include the installation of new gas collection wells, as well as an auxiliary flare. The unexpected amount of pressure and leachate encountered during the installation of GW77 pushed leachate up the new well casing, preventing the capping of the well. Respondent began temporary corrective measures to contain the gas and leachate on June 6 and 7, 2016.

12. On June 10, 2016, RAPCA conducted an inspection of Respondent's facility. During the inspection RAPCA observed the measures put in place on June 6 and 7, 2016 to contain the landfill gas and leachate from newly drilled GW77; however, RAPCA still observed landfill gas leaking from the well and detected odors from the well area.

13. On June 16, 2016, RAPCA issued a NOV letter to Respondent for the operation of the landfill in violation of Ohio's nuisance regulation, OAC rule 3745-15-07(B), due to the odor complaints. RAPCA required that Respondent provide documentation, to RAPCA, of the actions taken to address these violations by June 30, 2016. In addition RAPCA requested that Respondent: (a) perform fingerprinting of the landfill gas and leachate immediately (within 7 days of receipt of NOV); (b) provide notification of any future or ongoing activities at the landfill which may cause offsite odors - prior to conducting such activities; (c) provide a permanent measure to capture and control the landfill gas from GW77 and future new wells (to include existing wells if needed); (d) if the permanent measure to control GW77 is the planned auxiliary flare, complete the testing required by 40 CFR Part 63 Subpart WWW within 45 days of installation of the auxiliary flare; (e) complete the installation of the planned gas collection system expansion with minimal odors; and (f) identify and develop a plan to mitigate all other potential nuisance odor sources at the landfill.

14. On June 23, 2016, Respondent submitted to RAPCA and Ohio EPA a Revised Landfill Gas Collection Wells Compliance/Corrective Action Plan in response to the NOV referenced in Finding No. 9 of these Findings and Orders. Respondent revised the Corrective Action Plan in September 2016, and submitted the revision to RAPCA and Ohio EPA. On June 30, 2016, Respondent submitted to RAPCA and Ohio EPA the Odor Management Plan in response to the NOV referenced in Finding No. 13 of these Findings and Orders.

15. Respondent is the "owner" and the "operator" of the Facility as those terms are defined in OAC rules 3745-27-01(O)(5), respectively, and is also the license holder for the Facility.

16. 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 § 3734.01(E) and OAC rule 3745-27-01(S)(24).

17. OAC rule 3745-27-19(B)(2) provides that the owner or operator shall conduct all operations at the Facility in strict compliance with its authorizing documents. As set forth in Finding numbers 8 and 9 above, Respondent is in violation of air PTI # 0857043008 and Title V Permit P0092995, which is also a violation of OAC rule 3745-27-19(B)(2).

18. The Director has given consideration to, and based his determination on, evidence relating to the technical feasibility and economic reasonableness of complying with the following Orders and their relation to benefits to the people of the State to be derived from such compliance.

## **V. ORDERS**

The Director hereby issues the following Orders:

1. No later than December 22, 2016, Respondent shall install a 60mil textured flexible membrane liner to serve as a temporary synthetic landfill cap on the 13.5 acres of the landfill depicted in Exhibit A attached hereto and incorporated herein. Stony Hollow shall notify by telephone within 24 hours of completion of installation, and submit written documentation of installation within 14 days, to Ohio EPA Southwest District Office, Division of Materials and Waste Management.
2. No later than December 20, 2016, Respondent shall replace the 1,350 cfm LFG Secondary Flare listed in PTI P0120744 Issued June 15, 2016 with a 3,000 cfm LFG Secondary Flare listed in in PTI P0121742 issued on October 24, 2016. Respondent shall notify by telephone within 24 hours of completion of installation, and submit written documentation of installation within 14 days, to RAPCA.
3. No later than December 15, 2016, Respondent shall have in place backup power sources for the landfill's gas extraction system and the leachate collection system to ensure continuous operations in the event of a widespread power failure. Those sources should be identified in correspondence to Ohio EPA no later than December 22, 2016.
4. Respondent shall immediately commence odor surveys at the locations identified on the Odor Surveillance Map marked as Exhibit B which is attached hereto and incorporated herein. The odor surveys shall occur at least three times a day 7 days a week at random intervals throughout the morning, afternoon, and evening hours. The times of the odor surveys may be adjusted in response to citizen complaints. Respondent shall record the results of each odor survey on Exhibit B. Completed odor surveys will be maintained on site in a binder for 12 months. This frequency shall be maintained until the facility Odor Management Plan is approved.
5. Respondent will immediately notify the Director or his designee, the Dayton city Manager or her designee and other local government officials of communities potentially impacted, of any facility malfunction, power outage or event that may cause the migration of nuisance odors beyond the landfill property. Respondent will periodically update the government officials, post periodic updates to the facility's odor alert phone message and post updates to the facility website, [www.stonyhollowlandfill.com](http://www.stonyhollowlandfill.com), within 24 hours until the conditions causing the specific odor issue has been resolved.

6. No later than December 14, 2016, Respondent shall begin conducting ambient air monitoring on the 1 in 6-day schedule (i.e. December 14, December 20, December 26, and so on). Respondent shall conduct 24-hour sampling at 2 fixed locations near-simultaneously, one location shall be located on or near the North fence line and one location shall be located on or near the South fence line. Monitoring locations or schedule may be changed upon written concurrence from RAPCA. Respondent shall have the samples analyzed using U.S. EPA Method TO-15 and the results shall be provided to RAPCA within three business days of the sampling date.

## **VI. REVIEW OF SUBMITTALS**

Ohio EPA may review any work plan, report, or other time 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) approve the submission upon specified conditions; (c) modify the submission; (d) disapprove the submission in whole or in part, notifying Respondent of deficiencies; or (e) any combination of the above. The results of Ohio EPA's review shall be in writing provided to the Respondent.

In the event of approval as is, approval upon condition, or approval as modified of any submission by the Ohio EPA, Respondent shall proceed to take any action required by the submission as approved, conditionally approved, or approved as modified by Ohio EPA. If Respondent is in breach and/or violation of these Orders, Ohio EPA retains the right to terminate these Orders, perform any additional investigation, conduct any work to address conditions at the Facility, and/or enforce the terms of these Orders.

## **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 Air Pollution Control and Division of Material 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. Ohio EPA shall not unreasonably withhold termination of these Orders.

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 the purposes of these Orders, a responsible official is a principal executive officer of at least the level of vice president or his duly authorized representative.

#### **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, operations by Respondent.

#### **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:

Regional Air Pollution Control Agency  
117 South Main Street  
Dayton, Ohio 45422  
Attn: Jennifer Marsee

and to: Ohio EPA, Southwest District Office  
401 East Fifth Street  
Dayton, Ohio 45402  
Attn: Russ Brown

and to: Ohio Environmental Protection Agency  
Division of Material and Waste Management  
P.O. Box 1049

Columbus, Ohio 43216-1049  
Attn: Bruce McCoy

and to:

Ohio Environmental Protection Agency  
Division of Air Pollution Control  
P.O. Box 1049  
Columbus, Ohio 43216-1049  
Attn: James Kavalec

and to:

Public Health-Dayton and Montgomery County  
Reibold Building  
117 South Main Street  
Dayton, Ohio 45422  
Attn: Jennifer Wentzel

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. Ohio EPA reserves the right to require Respondent to undertake additional actions in future orders.

## **XIII. WAIVER**

Without admission of fact, violation or liability, 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.

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**

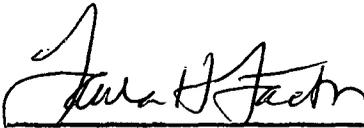
The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

**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:**

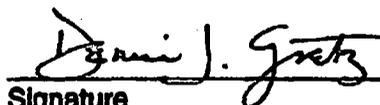
**Ohio Environmental Protection Agency**

  
\_\_\_\_\_  
Craig W. Butler  
Director

11/28/16  
Date

**IT IS SO AGREED:**

**Stony Hollow Landfill, Inc.**

  
\_\_\_\_\_  
Signature

11/28/16  
Date

DENISE J. GRETZ  
\_\_\_\_\_  
Printed or Typed Name

President  
\_\_\_\_\_  
Title

**EXHIBIT A**



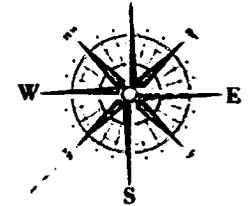


Director's Interim Findings and Orders  
Stony Hollow Landfill, Inc.  
Page 11 of 11

**EXHIBIT B**

Stony Hollow Landfill  
 2460 S. Gettysburg Avenue  
 Dayton, Ohio 45417

**ODOR SURVEILLANCE MAP**

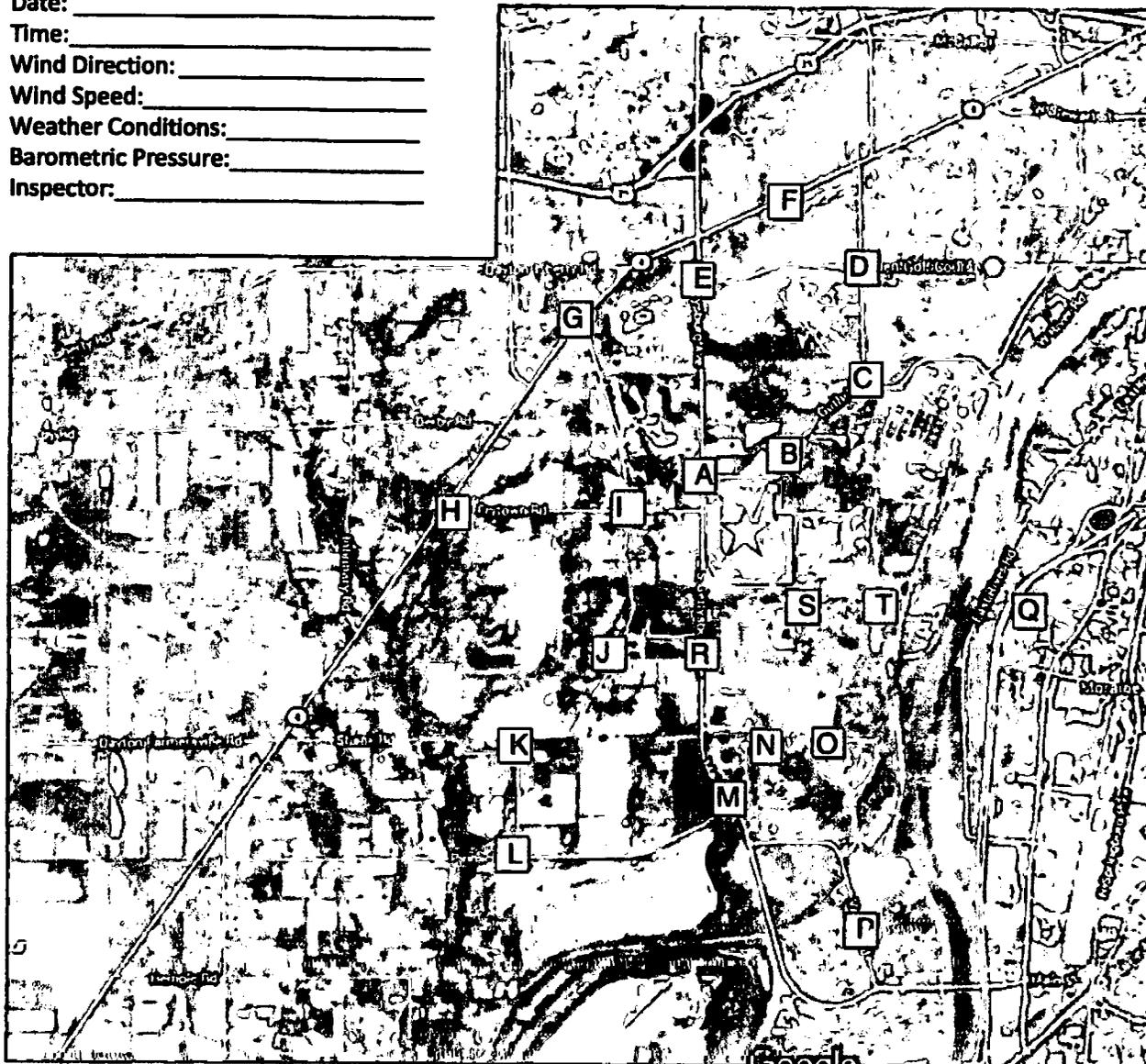


Date: \_\_\_\_\_  
 Time: \_\_\_\_\_  
 Wind Direction: \_\_\_\_\_  
 Wind Speed: \_\_\_\_\_  
 Weather Conditions: \_\_\_\_\_  
 Barometric Pressure: \_\_\_\_\_  
 Inspector: \_\_\_\_\_

**Odor Scale**

- 0-None
- 1-odor barely detectable
- 2-distinct detectable odor
- 3-distinct detectable strong odor
- 4-intolerable odor

Odor Monitoring Location **A**



- A -intersection of Gettysburg and Guthrie
- B -curve along Guthrie
- C -intersection of Guthrie and McArthur
- D -intersection of McArthur and Nicholas
- E -intersection of Gettysburg and Nicholas
- F -point along Route 4
- G -intersection of Route 4 and Soldiers Home-West Carrollton
- H -intersection of Route 4 and Frytown
- I -intersection of Soldiers Home-West Carrollton and Frytown
- J -intersection of Soldiers Home-West Carrollton and Caylor
- K -intersection of Soldiers Home-West Carrollton and Shank
- L -intersection of Soldiers Home-West Carrollton and Pinnacle
- M - Heritage Estates subdivision
- N - Pinnacle Park subdivision
- O - German Village subdivision
- P - Frank Nicholas Elementary School
- Q - Moraine Civic Center
- R -intersection of Gettysburg and Stony Hollow
- S -curve along Stony Hollow
- T - Stony Hollow Rd mobile home park

**Directions to Complete Form:**

1. Highlight 'green' the entire route monitored and having no odor detects.
2. Highlight 'red' portions of the route having an odor detect and identify the Odor Scale.

All identified Odor Monitoring Locations may not be monitored each day depending on wind direction and odor intensity.