



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

May 3, 2017

Stony Hollow Landfill, Inc.
24606 South Gettysburg Avenue
Dayton, Ohio 45418

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

Subject: Stony Hollow Landfill, Inc. Director's 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 Teri Finfrock at (614) 644-3037.

Sincerely,

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

Enclosure

ec: Teri Finfrock, Legal
Andrew Bergman, Legal
Carl Mussenden, DMWM, CO
Russ Brown, DMWM, SWDO
Jim Kavelac, DAPC, CO

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

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

PREAMBLE

Ohio EPA MAY 3 '17
Entered Directors Journal

On November 28, 2016, the Director issued consensual Interim Findings and Orders ("Interim Orders") to Stony Hollow Landfill, Inc. ("Respondent"). The parties now wish to conclude this matter by entering into Director's Final Findings and Orders ("Final Orders"). These Final Orders supersede and replace the Interim Orders in their entirety. For this purpose, the parties agreed 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"). 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. 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).

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. For purposes of these Orders, the "Area of Interest" is defined per the Landfill Gas Collection Well Compliance/Corrective Action Plan and the Odor Management Plan ("Plans") as landfill gas extraction wells experiencing: methane to carbon dioxide ratios less than 0.90, temperatures above 131°F, carbon monoxide above 100 parts per million (ppm), and hydrogen above 5 percent (%) by volume.

6. 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.

7. 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 Area of Interest. In August 2015 and March of 2016, Ohio EPA issued additional letters to Respondent not granting an HOV for additional extraction wells.

8. 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. Respondent 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.

9. 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).

10. On June 2, 2016, Public Health Dayton-Montgomery County's 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.

11. 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.

12. 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.

13. 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 observed landfill gas leaking from the well and detected odors from the well area.

14. 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.

15. 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.

16. On November 28, 2016, Ohio EPA issued and Stony Hollow agreed to the

Director's Interim Findings and Orders to Respondent. The Orders included:

- a. 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 which is 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.
- b. 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.
- c. 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.
- d. 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.
- e. 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, within 24 hours until the conditions causing the specific odor issue has been resolved.

- f. 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.
17. Beginning on November 29, 2016, Respondent or Respondent's agent began performing odor surveys three times per day per the Odor Surveillance Map.
18. On December 1, 2016, Respondent began notifying the Director or his designee, the Dayton City Manager or her designee and other local government officials of any facility malfunction, power outage or event that caused the migration of nuisance odors beyond the landfill. Respondent provided updates via the facility website.
19. On December 6, 2016, Respondent submitted three permit by rule ("PBR") notifications to RAPCA for the installation of backup power sources (emergency electrical generators). PBR 15784, PBR 15775, and PBR 15785 were issued by Ohio EPA on December 8.
20. On December 9, 2016, Respondent notified RAPCA via telephone of the installation of the 3,000 cfm LFG Secondary Flare listed in PTI P0121742 issued on October 24, 2016.
21. On December 12, 2016, Respondent submitted to RAPCA and Ohio EPA a Revised Landfill Gas Collection Wells Compliance/Corrective Action Plan and Revised Odor Management Plan.
22. On December 14, 2016, Respondent began conducting ambient air monitoring on the 1 in 6 – day schedule at two fixed locations. The first TO-15 results were submitted on December 19, 2016 and subsequent reports have been submitted within 3 business days of monitoring.
23. On December 21, 2016, Respondent notified RAPCA and Ohio EPA that it had completed installation of the backup power sources for the landfill's gas extraction system and the leachate collection system. Additionally, on this same day, Respondent provided RAPCA and Ohio EPA with the construction certification for the 3,000 cfm LFG

Secondary Flare, and a general status update on its compliance with the Interim Orders.

24. On December 22, 2016, Respondent notified RAPCA of the completion of installation of a 60mil textured flexible membrane liner to serve as a temporary synthetic landfill cap on the 13.5 acres of the landfill.

25. On February 16, 2017, Respondent submitted the January 2017 Landfill Gas Monthly Summary Report – Wells of Interest. In this report, Respondent identified 47 wells operating outside of the operating parameters required by 40 CFR, Part 60, Subpart WWW which is evidence that decreased methanogenesis persists. Respondent also received 27 odor complaints in January 2017 and 10 complaints from February 1-12, 2017. RAPCA and Ohio EPA staff have confirmed the presence of offsite landfill gas and leachate odors on at least 4 dates in February 2017.

26. 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, 9 and 25 above, Respondent is in violation of air PTI # P0121742 and Title V Permit P0092995, which is also a violation of OAC rule 3745-27-19(B)(2).

27. 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 Interim Orders issued to Respondent on November 28, 2016 are hereby superseded by these Orders. The Director hereby issues the following Orders:

1. Respondent shall submit final approvable versions of the Plans within thirty (30) days of the effective date of these Final Orders.

2. Respondent shall maintain the temporary synthetic landfill cap system, including but not limited to the 60mil textured flexible membrane liner, the penetration point boots, toe collectors, and undercap collectors, on the 13.5 acres of the landfill depicted in Exhibit A attached hereto and incorporated herein. Respondent shall not remove the temporary synthetic landfill cap system without prior written approval from Ohio EPA.

3. Respondent shall continue to operate and maintain the 3,000 cfm LFG Secondary Flare listed in PTI P0121742 issued on October 24, 2016. Respondent shall submit any necessary air permit applications for any new or replacement flares.

4. Respondent shall maintain 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.

5. Respondent shall continue 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 continue to 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 at least December 31, 2017. After December 31, 2017, monitoring frequency may be adjusted in accordance with the facility's approved Odor Management Plan.

6. Respondent shall continue to 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 continue to 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, within 24 hours until the conditions causing the specific odor issue has been resolved.

7. Respondent shall install and operate odor controls on the two 200,000 gallon above ground liquids storage tanks and the tanker loading system prior to placing the tanks into service.

8. Respondent shall maintain on site Personal Four Gas Monitors (RKI Instruments GX-2009 Model or equivalent) that can detect LEL, O₂, H₂S, and CO., and shall have access to an organic vapor analyzer, flame ionization detector, or other portable monitor meeting the specifications provided in 40 CFR 60.36(f)(d).

9. Respondent shall conduct ambient air monitoring on the a 1-in-3 day schedule beginning no later than the outset of the drilling period for the installation of wells in the approximately five (5) acre area depicted on Exhibit A and described in Section V.13 herein and for the installation of wells drilled laterally into the Area of Interest. Seven

days after the installation of those wells is complete, Respondent shall conduct the ambient air monitoring on a 1-in-6 day schedule at least until a temporary cap over the approximately five-acre area is in place and sealed. The ambient air monitoring shall be terminated upon agreement by the parties. Respondent shall conduct the sampling at the fixed fence line, in the manner and locations indicated in the Stony Hollow Landfill Air Monitoring Study, dated March 27, 2017. Respondent shall perform 24-hour sampling and have the samples analyzed using U.S. EPA Method TO-15 and ASTM D 5504-12. In addition, Respondent shall perform 24-hour sampling and have the samples analyzed using TO-11A or an equivalent approved method. All results shall be provided to RAPCA within seven business days of the sampling date, or within a certain period of time agreed to by Respondent and RAPCA. Monitoring frequency or locations may be adjusted with the written approval of RAPCA.

10. Respondent shall reimburse RAPCA for the reasonable costs to conduct ambient air monitoring at two (2) locations off-site of the landfill, one monitor located in or near Pinnacle Park, Moraine, and one monitor located in or near Highview Hills Park, Dayton. The sampling schedule and analysis, and protocol for reimbursing those costs, shall be by agreement between Respondent and RAPCA.

11. Before placing any waste over the Area of Interest, Respondent shall demonstrate to the Director that settlement is occurring at a normal rate, stability of the waste mass is within the acceptable factor of safety, and future waste disposal airspace over the top of the Area of Interest can be filled in a manner that meets all statutory, regulatory and permit requirements. No waste shall be placed in or over the top of the Area of Interest until the Director has approved Respondent's demonstration, which approval shall not be unreasonably delayed or withheld.

12. Respondent shall submit revisions to the Plans to RAPCA and Ohio EPA, within 5 business days of any request for revisions by RAPCA or Ohio EPA. All Plan revisions shall be implemented upon written concurrence of the revision(s) by RAPCA and Ohio EPA, which shall not be unreasonably delayed or withheld.

13. Installation of landfill gas extraction wells including accompanying infrastructure and temporary synthetic cap system for the approximately five (5) acre area depicted on Exhibit A shall be according to the following schedule:

- a) Gas collection wells and associated pipe work drilled from within the 5-acre area shall be completed no later than July 5, 2017;
- b) Wells and associated piping drilled laterally into the Area of Interest from outside the area shall be completed no later than August 31, 2017; and

c) Temporary capping of the 5-acre area including installation of pipe boots and application of vacuum pressure shall be completed no later than August 31, 2017.

14. Respondent shall report all exceedances of applicable parameters of the NSPS in the semi-annual reports required by 40 CFR 60.757(f). Respondent also shall report exceedances that are not corrected in the manner prescribed by 40 CFR 60.755 and within the time frames allowed by that section, as deviations in the quarterly deviation report under Respondent's Title V permit. When an exceedance is caused by conditions meant to be addressed by the Compliance Plan, Respondent shall comply with the Compliance Plan as a means of addressing its deviation under the NSPS.

15. A higher operating temperature may be allowed within a given well outside of the Area of Interest if Respondent makes the showings required by 40 CFR 60.753(c). Nothing in these Orders shall be construed to prevent Ohio EPA from lowering the maximum wellhead gas temperature to 55°C (131 ° F) in all gas recovery wells at the Facility, including those wells within the affected area, by further order.

16. Respondent shall immediately implement Plans. Any conflict between the Plans and this order should be immediately brought to the attention of Ohio EPA and RAPCA for clarification.

17. Within forty (40) days after execution of this orders, Respondent shall meet with the general public to educate the community on any approved methods used to detect odors, the scale or other means of determining the intensity and characteristics of the odors, and potential health effects of the chemical compounds emitted or potentially emitted by Respondent, and how perceived odor events will be reported and investigated. Respondent shall publicize the location, date and time of the meeting in a local newspaper of general circulation as well as www.stonyhollowlandfill.com and provide RAPCA and Ohio EPA prior notification of the meeting.

18. Notwithstanding Ohio EPA or RAPCA concurrence of the Plans referenced above, Respondent shall continue to investigate the cause of nuisance odors emanating from its facility and shall continue to make reasonable efforts to reduce or eliminate nuisance odors from the facility that enter ambient air.

19. Respondent shall pay the amount of sixteen thousand dollars (\$16,000) in settlement of Ohio EPA's claims for civil penalties, which may be assessed pursuant to ORC Chapter 3704. Within forty-five (45) days after the effective date of these Orders, payment to Ohio EPA shall be made by an official check made payable to "Treasurer,

State of Ohio" for sixteen thousand dollars (\$16,000) of the total amount. The official check shall be submitted to Carol Butler, or her successor, together with a letter identifying Respondents, to:

Ohio EPA
Office of Fiscal Administration
P.O. Box 1049
Columbus, Ohio 43216-1049

VI. REVIEW OF SUBMITTALS

Ohio EPA may review any work plan, report, or other item required to be submitted pursuant to these Orders in accordance with this Section. Upon review, Ohio EPA may: (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 does not contest Ohio EPA's conditions or modifications.

In the event that Ohio EPA disapproves a revised submission, in whole or in part, and notifies Respondent in writing of the deficiencies, Respondent shall within thirty (30) days, or such longer period of time as specified by Ohio EPA in writing, either (a) correct the deficiencies and incorporate all changes, additions, and/or deletions, and submit the revised submission to Ohio EPA for approval, or (b) submit to Ohio EPA an explanation, in writing and including Respondent's technical rationale, supporting its revised submission. Revised submissions shall be accompanied by a letter indicating how and where each Ohio EPA comment was incorporated into the submission, or an explanation on how and why an Ohio EPA comment was modified or not incorporated. Any other changes made to the submission by Respondent shall also be identified in the letter. Ohio EPA and Respondent shall meet and confer promptly thereafter, and in no instance more than twenty-one (21) days after the submission of Respondent's written response, to resolve any matters still outstanding in the revised submission.

If Respondent fails to submit a revised submission incorporating all changes, additions, and/or deletions, or fails to provide a written justification with the revised submission that explains why a comment was not incorporated, within thirty (30) days, or such period of time as 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 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 Chiefs of Ohio EPA's Division of Air Pollution Control ("DAPC") and Division of Material and Waste Management ("DMWM") acknowledges, in writing, the termination of these Orders. If Ohio EPA does not agree that all obligations pursuant to Section V of this Order have been performed, then Ohio EPA will notify Respondent in writing 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. Prior to requesting termination of these Final Orders, Respondent must update its DMWM municipal solid waste landfill permit to install, and DAPC Title V permit if necessary, to incorporate Order Nos. 10 and 11 and the most recent version of Landfill Gas Collection Well Compliance/Corrective Action Plan and the Odor Management Plan.

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:

Public Health – Dayton & Montgomery County
Reibold Building
117 South Main Street
Dayton, Ohio 45422
Regional Air Pollution Control Agency
Attention: Jennifer Marsee or her successor
Environmental Health/Solid Waste
Attention: Jennifer Wentzel or her successor

and to:

Ohio EPA, Southwest District Office
401 East Fifth Street
Dayton, Ohio 45402
Attn: Michelle Ackenhausen or her successor

and to:

Ohio Environmental Protection Agency
Division of Material and Waste Management
P.O. Box 1049
Columbus, Ohio 43216-1049
Attn: Carl Mussenden or his successor

and to:

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

Attn: James Kavalec or his successor

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

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, Respondents consent to the issuance of these Orders and agree to comply with these Orders. Compliance with these Orders shall be a full accord and satisfaction for Respondents' 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

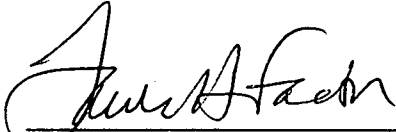
The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

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



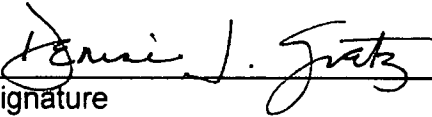
Craig W. Butler
Director

5/3/17

Date

IT IS SO AGREED:

Stony Hollow Landfill, Inc.



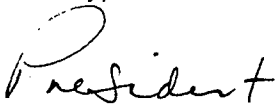
Signature

5/2/17

Date

DENISE J. GRETZ

Printed or Typed Name



Title

Stony Hollow Landfill Inc.
Director's Final Findings and Orders
Exhibit A

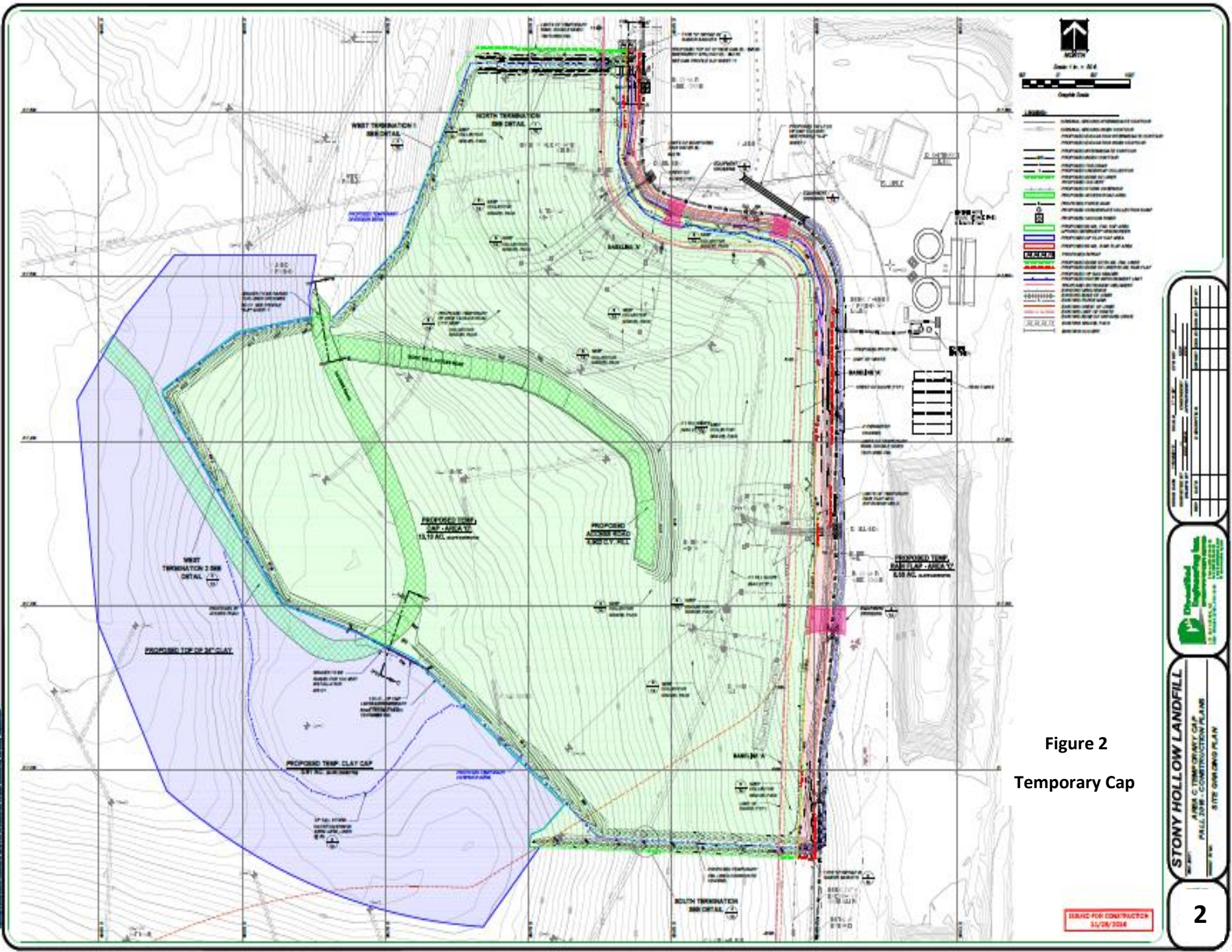


Figure 2
Temporary Cap

ISSUED FOR CONSTRUCTION
31/04/2018

STONY HOLLOW LANDFILL
AREA C TEMPORARY CAP
PHASE 2B - CONSTRUCTION PLANS
SITE DRAWING PLAN

NO.	REV.	DESCRIPTION	DATE

Disposal Technology Inc.
15555 Highway 101, Suite 100, Richmond, BC V6V 2G9

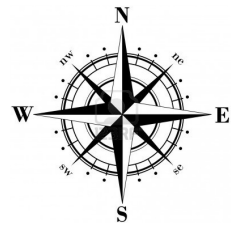
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Stony Hollow Landfill Inc.
Director's Final Findings and Orders
Exhibit B

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

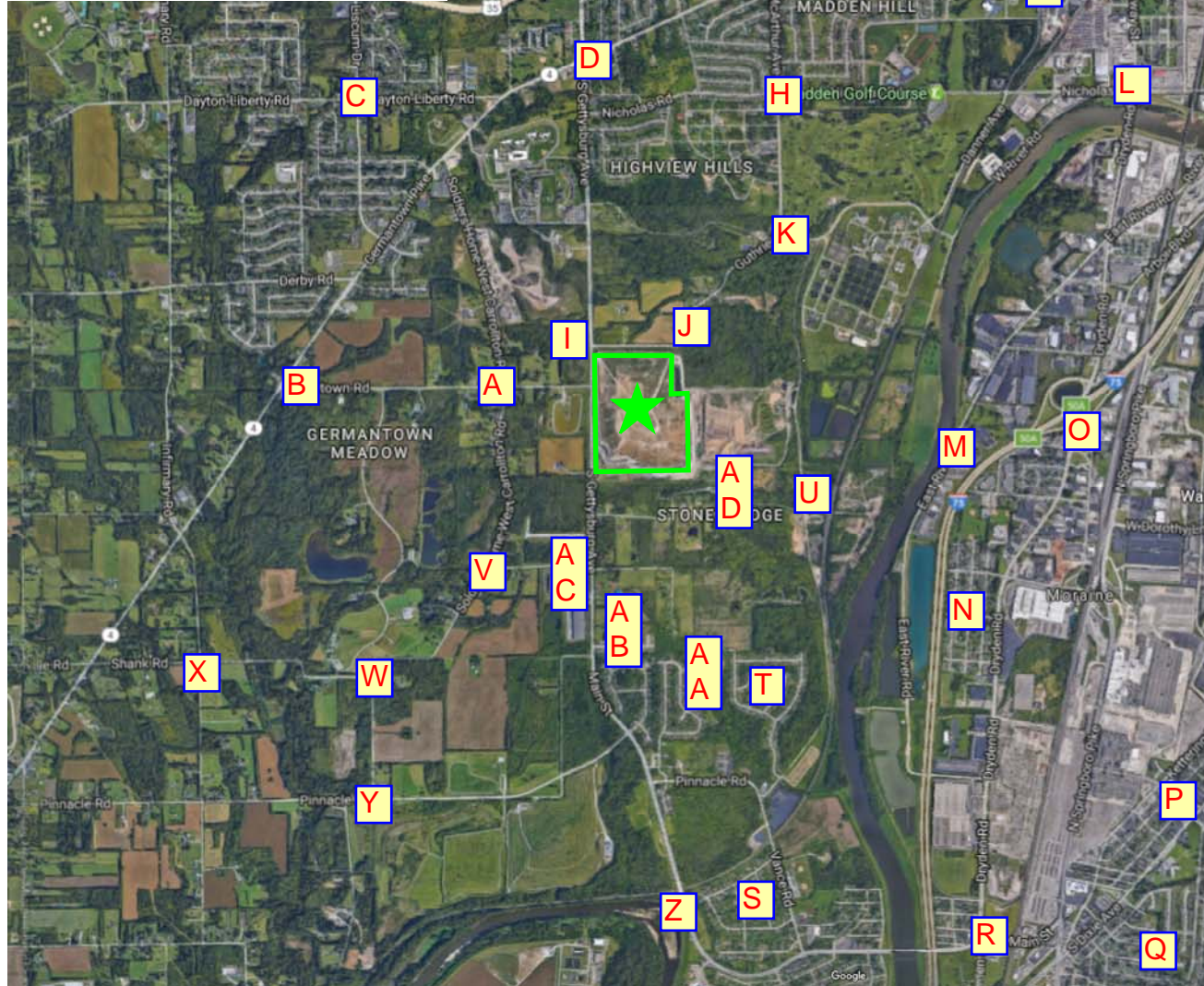
ODOR SURVEILLANCE MAP

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



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 -Soldiers Home-West Carrollton/Frytown
- ___ B -Frytown/Germantown
- ___ C -Dayton-Liberty/Liscum
- ___ D -Germantown/Gettysburg
- ___ E -Germantown/McArthur
- ___ F -Germantown/Stewart
- ___ G -Danner/Weaver
- ___ H -Nicholas/McArthur
- ___ I - Gettysburg/Guthrie
- ___ J -Corner on Guthrie
- ___ K -Guthrie/McArthur
- ___ L -Nicholas/Dryden
- ___ M - The Mandalay
- ___ N - Location in subdivision
- ___ O - Dryden/Springboro West
- ___ P - Stroop/S Dixie
- ___ Q -Lamme/Lehigh
- ___ R - Dryden/Main
- ___ S - Location in subdivision
- ___ T - German Village subdivision
- ___ U - Stony Hollow mobile home park
- ___ V - Soldiers Home-West Carrollton/Caylor
- ___ W - Soldiers Home-West Carrollton/Shank
- ___ X - Shank/Infirmary
- ___ Y -Soldiers Home-West Carrollton/Pinnacle
- ___ Z - Location along Main
- ___ AA - Heather Hills subdivision
- ___ AB - Heritage Estates subdivision
- ___ AC - Gettysburg/Caylor
- ___ AD - Turn-around on Stony Hollow

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.