



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

OCTOBER 16, 2017

Mr. Jeffery Rumpke
Vice President
Rumpke of Ohio, Inc.
10795 Hughes Road
Cincinnati, Ohio 45251

Re: Hamilton Transfer Facility
Non-Permit Related Exemption
Approval
Municipal Solid Waste Transfer
Facilities
Butler County
SWTF018441

Ohio EPA OCT 16 '17
Entered Directors Journal

**Subject: Hamilton City Transfer Facility, Butler County
Exemption from the Requirement to Install a Scale**

Dear Mr. Rumpke:

On July 26, 2017, the Ohio Environmental Protection Agency (Ohio EPA), Division of Materials and Waste Management (DMWM), Southwest District Office (SWDO) received a request, dated July 26, 2017, titled "Request for 3734.02(G)" (Request) from Rumpke of Ohio, Inc. (Rumpke) for Hamilton City Transfer Facility (Facility). Rumpke has requested an exemption in accordance with Ohio Revised Code (ORC) Section 3734.02(G) from the requirement of Ohio Administrative Code (OAC) Rule 3745-555-650(C) to install a scale at the Facility. On September 6 and September 21, 2017, Rumpke provided supplemental information to Ohio EPA, SWDO, in response to a notice of deficiency letter, dated August 25, 2017.

OAC Rule 3745-555-650(C) requires that the owner or operator of a solid waste transfer facility shall use scales as the sole means of determining gate receipts. All scales shall be inspected, tested, and approved by the county auditor or city sealer having jurisdiction where the scale is located and shall meet the specifications, tolerances, and regulatory requirements of ORC Section 1327.49. This paragraph does not apply to the owner or operator of a transfer facility that consists solely of portable containers and where the waste is not placed on a waste handling floor.

Rumpke requested an exemption from the requirement to utilize scales as the sole means of determining gate receipts for the Facility. Rumpke has operated the Facility since 1994, measuring the incoming loads and converting the measured yardage to tons using a conversion factor of three (3) cubic yards to one (1) ton as specified in ORC Section 3734.57. If the actual load cannot be measured, the full capacity of the incoming container is utilized. Based upon a discussion with a scale manufacturer, Rumpke has determined the Facility's footprint is not large enough to install a certified scale.

Pursuant to ORC 3734.02(G) and OAC Rule 3745-27-03(B), the director may, by order, exempt any person generating, collecting, storing, treating, disposing of, or transporting solid wastes, including scrap tires, from any requirement of ORC Chapter 3734 or any rules

adopted thereunder if granting the exemption is unlikely to adversely affect the public health or safety or the environment.

Ohio EPA has reviewed the exemption request and has determined that granting Rumpke an exemption from the requirements of OAC Rule 3745-555-650(C) is unlikely to adversely affect public health or safety or the environment. Therefore, pursuant to ORC Section 3734.02(G) and OAC Rule 3745-27-03(B), Rumpke is hereby granted an exemption from the requirement of OAC Rule 3745-555-650(C) for the Facility. For the purpose of determining appropriate fees, Rumpke shall continue to determine the tonnage of waste received at the Facility using a conversion factor of three (3) cubic yards to one (1) ton, unless otherwise authorized by Ohio EPA. This exemption shall remain in effect unless otherwise revoked.

You are hereby notified that this action of the Director is final and may be appealed to the Environmental Review Appeals Commission pursuant to ORC Section 3745.04. 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
30 East Broad Street, 4th Floor
Columbus, Ohio 43215

If you have any questions concerning this letter, please contact Dylan Dyer of Ohio EPA, SWDO at (937) 285-6048.

Sincerely,



Craig W. Butler
Director, Ohio EPA

ec: Tracy Buchanan, DMWM, SWDO
Scott Hester, DMWM, CO
Kay Farrar, City of Hamilton Health Department