



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

December 5, 2017

Good Deeds Recycling, LLC
1227 Deeds Ave.
Dayton, OH 45401

**Re: Good Deeds Recycling, LLC
Director's Final Findings and Orders (DFFO)
DFFO
Municipal Solid Waste Landfills
Montgomery County
MSWL022816**

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 Good Deeds Recycling, LLC.

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

Sincerely,

A handwritten signature in black ink that reads "Greg Nichols". The signature is written in a cursive, slightly slanted style.

Greg Nichols, Administrative Processing Unit
Division of Materials & Waste Management

Enclosure

ec: Carl Mussenden, DMWM, CO
Bruce McCoy, DMWM, CO
Teri Frinfrock, Legal
Bill Fischbein, Legal
Jill Olberding, DMWM, SWDO
Michelle Ackenhausen, DMWM, SWDO
Larry Reeder, DSW, CO

**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**



In the Matter Of

Good Deeds Recycling, LLC : Director's Final Findings
1227 Deeds Ave : and Orders
Dayton, Ohio 45401 :

Respondent

Ohio EPA DEC 5 '17
Entered Directors Journal

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to Good Deeds Recycling, LLC ("Respondent") pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("ORC") §§ 3734.13 and 6111.07.

II. PARTIES

These Orders shall apply to and be binding upon Respondent and their heirs and successors in interest liable under Ohio law. No change in ownership of the Properties (as hereinafter defined) shall in any way alter Respondent's responsibilities under these Orders.

III. DEFINITIONS

Unless otherwise stated, all terms used in these Orders shall have the same meaning as used in ORC Chapters 3734 and 6111 and the rules promulgated thereunder.

IV. FINDINGS

The Director of Ohio EPA has determined the following findings:

Solid Waste

1. The Respondent is the current owner of parcels of land located at 1227 Deeds Avenue, Dayton, Ohio, 45401 identified by the Montgomery County Auditor as Parcel Identification Numbers R72 16701 0086 and R72 16708 0071 ("Properties").

2. Respondent is a "person" as that term is defined in ORC Section 3734.01(G), and in Ohio Administrative Code ("OAC") Rules 3745-27-01(P)(3).
3. OAC Rule 3745-27-01(O)(4)(a) states in pertinent part, "'Open dumping' means... the final deposition of solid wastes on or into the ground at any place other than a solid waste facility operated in accordance with Chapter 3734. of the Revised Code, and Chapters 3745-27, 3745-29, 3745-30, and 3745-37 of the Administrative Code."
4. OAC Rule 3745-27-01(S)(24) states, "'Solid waste disposal facility' means any site, location, tract of land, installation, or building used for incineration, composting, sanitary landfilling, or other approved methods of disposal of solid wastes."
5. OAC Rule 3745-27-01(O)(3) states, "'Open dump' means a site where solid wastes or untreated infectious wastes have been disposed without a license."
6. ORC § 3734.03 states in pertinent part, "No person shall dispose of solid wastes by... open dumping(.)"
7. ORC § 3734.02(C) states, in pertinent part, "no person shall establish a new solid waste facility... without submitting an application for a permit with accompanying detail plans, specifications, and information regarding the facility and method of operation and receiving a permit issued by the director(.)"
8. ORC § 3734.05(A) states, in pertinent part, "no person shall operate or maintain a solid waste facility without a license issued under this division by the board of health of the health district in which the facility is located(.)"
9. OAC Rule 3745-27-05(C) states, "No person shall conduct, permit, or allow open dumping. In the event that open dumping is occurring or has occurred at a property, the person(s) responsible for the open dumping, the owner of the property, or the person(s) who allow or allowed open dumping to occur, shall promptly remove and dispose or otherwise manage the solid waste in accordance with Chapter 3734. of the Revised Code, and shall submit verification that the solid waste has been properly managed."
10. Respondent purchased the Properties from Quality Farms LLC ("Quality Farms") in June 2017. At the time of purchase, Quality Farms (the previous owner and operator of the Properties) had open dumped large quantities of solid waste (off specification and expired consumer beverage containers and associated packaging) on the outdoor areas of the Properties.
11. On September 14, 2017, Ohio EPA Division of Materials and Waste Management ("DMWM" conducted an inspection of the Properties and observed open dumping of solid waste left by Quality Farms was still present (off specification and expired consumer beverage containers and associated

packaging), and the Respondent was cited in violation of OAC Rule 3745-27-05(C) for open dumping as the owner of the Properties. Respondent has represented to Ohio EPA that it has not added to the solid waste left behind by Quality Farms.

Ohio EPA documented this violation in a Notice of Violation ("NOV") letter to the Respondent dated September 21, 2017.

12. The Respondent, as the owner of the Properties, is in violation of ORC § 3734.03 for disposing of solid wastes by open dumping, ORC § 3734.05(A) for operating a solid waste facility without a license; and ORC § 3734.02(C) for establishing a new solid waste facility without submitting and receiving a permit issued by the Director.
13. On September 14, 2017, Public Health – Dayton & Montgomery County ("PHDMC") conducted an inspection of the Properties and observed the open dumping of solid waste as well as multiple bulk open top plastic containers containing mosquito larvae.

PHDMC documented a violation of Montgomery County's Sanitary Regulations in a NOV letter to the Respondent as owner of the Properties dated September 20, 2017.

14. On October 2, 2017, Ohio EPA conducted a follow up inspection of the Properties and observed that the open dumping of solid waste left behind by Quality Farms (off specification and expired consumer beverage containers and associated packaging), had not be remediated.
15. In November 2017, Ohio EPA examined Good Deeds' financial records and determined that Good Deeds did not have the ability to pay for the remediation of the solid waste open dumped on the outdoor areas of the Properties by Quality Farms.

Storm Water

16. Respondent's operations fall under Standard Industrial Classification (SIC) code 5093: "Scrap Recycling Facilities." Federal rules codified in 40 CFR 122.26 and OAC 3745-39-04 require that storm water discharges from such operations are required to be covered by an NDPES permit if pollutants are exposed to storm water.
17. Through a NOV dated August 10, 2017, Ohio EPA's Division of Surface Water ("DSW") notified Respondent that because Respondent was continuing the operations of the previous owner of the Properties, Respondent would be required to: (1) submit a Notice of Intent ("NOI") for coverage under the Multi Sector

Industrial Storm Water General Permit (Respondent's Industrial Storm Water Permit was effective on 11/1/2017 and is attached as Exhibit A); (2) develop and implement a Storm Water Pollution Prevention Plan ("SWPPP"); and (3) comply with the City of Dayton's requirements for discharges to Dayton's storm and sanitary sewer systems.

18. Ohio EPA conducted an inspection on September 14, 2017. During the inspection, the Agency confirmed that numerous areas of pollutants left behind by Quality Farms, specifically expired consumer beverages, were subjected to storm water exposure at the Properties and were discharging onto the ground and into the City of Dayton's storm sewer system. These discharges ultimately discharged to waters of the State.
19. ORC § 6111.04 prohibits any person from causing pollution or causing any sewage, industrial waste or other waste to be placed in any location where they cause pollution to waters of the state, except if such discharges occur in accordance with an NPDES permit issued by the Director.
20. As a result of Quality Farms actions, Respondent as owner of the Properties is responsible for the pollution or sewage, industrial waste or other wastes placed in a location where they cause pollution to waters of the state, and as such is a violation of ORC § 6111.04.
21. OAC Rule 3745-38-02(A) provides that no person may discharge any pollutant or cause, permit, or allow a discharge of any pollutant from a point source without either applying for and obtaining an Ohio NPDES individual permit in accordance with the requirements of Chapter 3745-33 of the Administrative Code or obtaining authorization to discharge under an Ohio NPDES general permit in accordance with requirements of Chapter 3745-38 of the Administrative Code. Respondent's actions described above were performed without an NPDES permit in violation of OAC Rule 3745-38-02(A).
22. OAC Rule 3745-39-04 sets forth the Ohio EPA NPDES requirements for industries. Because Respondent is a business engaged in industrial activities, Respondent was in violation of OAC 3745-39-04, which lists the specific NPDES requirements for industrial facilities.

V. ORDERS

Respondent shall achieve compliance with ORC Chapters 3734 and 6111, and the rules promulgated thereunder according to the following compliance schedule:

1. Beginning on the effective date of this Order, Respondent shall not place any additional solid waste (off specification and expired consumer beverage containers and associated packaging), on any outdoor area of the Properties except as authorized in this Order or as approved in writing by Ohio EPA.

2. Beginning on the effective date of this Order, Respondent is permitted to accept off specification and expired consumer beverage containers (including liquid contents) and associated packaging for recycling or disposal at an authorized facility. Any outdoor staging of these items must be conducted in one designated area. The area must be preapproved by Ohio EPA. The outdoor staging area cannot interfere or obstruct access to the solid waste that has been open dumped at the Properties. Further, the designated area can not interfere with the efforts of Ohio EPA's contractor hired to remove the solid waste from the Properties. The outdoor staging area may be moved to accommodate the work of Ohio EPA's contractor.
3. Beginning on the effective date of this Order, Respondent shall maintain a daily log of its recycling operation by recording information related to all incoming loads of unprocessed consumer beverages, volume processed, and all materials being removed, for recycling, reuse and disposal. Respondent shall maintain copies of the daily log and shall make them available to Ohio EPA for inspection and/or copying upon request. Respondent shall also maintain on site all manifests, receipts, invoices and other documentation to demonstrate that all incoming off specification and expired consumer beverage containers and associated packaging have been recycled or properly disposed.
4. Beginning on the effective date of this Order, Respondent shall not accumulate in excess of 30,000 gallons cumulative, of bulk liquids, in the above ground process holding tanks prior to having it removed for disposal by a contractor. Respondent shall measure the liquid in the above ground process holding tanks daily and record the measurements in the daily log. Records of liquid volumes should be maintained in the daily log and be made available to Ohio EPA for inspection and/or copying upon request.
5. Beginning on the effective date of this Order, Respondent shall maintain mosquito control by:
 - a. continuing applications of pesticides or larvicide to the exterior of the Properties at no greater than 30-day intervals or as recommended by the manufacturer or formulator, or PHDMC. Respondent shall maintain mosquito control records at the premises indicating the name, type, amount used and EPA registration number of the pesticide or larvicide. The Respondent shall make the mosquito control records available for inspection by Ohio EPA or PHDMC during normal operating hours, or
 - b. completely eliminate the mosquito breeding habitat.
6. Within fourteen days of the effective date of this order, Respondent shall have the Properties' security fence professionally inspected to ensure that the fence does not allow unauthorized access. The results of this inspection shall be provided to Ohio EPA. Any repairs to the fencing shall be made within 30 days of the effective date of this order.

7. By agreeing to this Order, Respondent agrees to grant access to Ohio EPA, and PHDMC and their contractors, assigns and representatives for the purpose of spraying for mosquitoes in the event Respondent fails to comply with these Orders. This authorization and consent shall remain in full force and effect until all necessary and appropriate preventative and corrective action has been completed at the Properties by either the Respondent or by Ohio EPA or PHDMC and their contractors, assigns, and authorized representatives.
8. By agreeing to this Order, Respondent agrees to grant access to Ohio EPA, and its contractors, assigns and representatives for the purpose of removing and disposing of the solid waste on the outdoor areas of the Properties. This authorization and consent shall remain in full force and effect until all necessary corrective action has been completed at the Properties by either the Respondent or by Ohio EPA and its contractors, assigns, and authorized representatives.
9. Respondent hereby agrees to relinquish any claim of ownership interest in any of the solid waste that maybe removed from the Properties by Ohio EPA its contractors, assigned and authorized representatives.
10. Respondent hereby grants to Ohio EPA and its contractors, assigns and representatives temporary rights-of-way and the right to improve existing, or build necessary roads on, over, and across the Properties for the purpose of removing the solid waste disposed of on the outdoor areas of the Properties. At the conclusion of the removal of all the solid waste on the outdoor areas of the Properties, all improvements shall attach to the Properties, and become the property of the owner of the real property.
11. Respondent hereby agrees to hold Ohio EPA and its contractors, assigns and representatives harmless for all activities associated with the removal and disposal of the solid waste on the outdoor areas of the Properties.
12. Respondent shall implement a storm water pollution prevention plan ("SWP3") as required by the Multi Sector Industrial Storm Water General Permit to address ongoing operations and initial cleanup of accumulated openly dumped wastes. Within fourteen (14) days from the effective date of these Orders, Respondent shall submit a revised approvable SWP3 to Ohio EPA for further review and approval. If Ohio EPA notifies Respondent of any deficiencies within the SWP3, Respondent shall revise the SWP3 to correct any noted deficiencies, and implement the revised SWP3 no later than thirty (30) days from the date of notification of the deficiencies.

VI. TERMINATION

Respondent 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/we 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 Respondent.

VII. 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 Respondent or the Properties.

VIII. 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 the Respondent or the Properties.

IX. 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: Unit Manager, DMWM

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

X. RESERVATION OF RIGHTS

Nothing contained herein shall be construed to prevent Ohio EPA from seeking legal or equitable relief to enforce the terms of these Orders or from taking other administrative,

legal or equitable action as deemed appropriate and necessary, including seeking penalties against the Respondents for noncompliance with these Orders and/or for the violations described herein. Nothing contained herein shall be construed to prevent Ohio EPA from exercising its lawful authority to require the Respondent to perform additional activities pursuant to ORC Chapters 3734 and 6111, or any other applicable law in the future. Nothing herein shall restrict the right of the Respondents to raise any administrative, legal or equitable claim or defense with respect to such further actions which Ohio EPA may seek to require of the Respondent.

Nothing in these Orders shall be construed to limit the authority of Ohio EPA to seek relief for violations not addressed in these Orders.

XI. WAIVER

In order to resolve disputed claims, without admission of fact, violation or liability, and 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. Although Ohio EPA does not presently intend to seek civil or administrative penalties against Respondent for violations specifically cited in these Orders, Ohio EPA does not waive the right to do so, and compliance with these Orders shall be a full accord and satisfaction for Respondent's liability for the violations specifically cited herein.

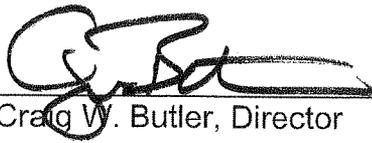
Respondent hereby waives the right to appeal the issuance, terms and conditions, and service of these Orders, and Respondent hereby waives any and all rights Respondent may have to seek administrative or judicial review of these Orders either in law or equity.

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.

XII. EFFECTIVE DATE

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

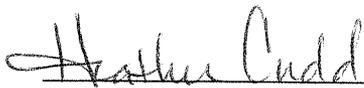
IT IS SO ORDERED:



Craig W. Butler, Director

IT IS SO AGREED:

Good Deeds Recycling, LLC



Signature

Owner

Title

12/4/17

Date

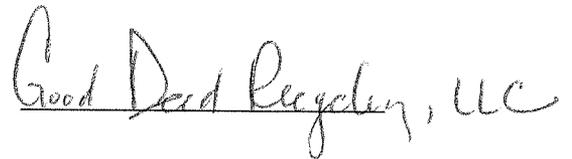


EXHIBIT A

Issuance Date: May 8, 2017
Effective Date: June 1, 2017
Expiration Date: May 31, 2022

OHIO ENVIRONMENTAL PROTECTION AGENCY

Ohio EPA #AV 3/17
Entered Director's Journal

**AUTHORIZATION TO DISCHARGE STORM WATER
ASSOCIATED WITH INDUSTRIAL ACTIVITY UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM**

MULTI-SECTOR GENERAL PERMIT

In compliance with the provisions of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et. seq., hereafter referred to as "the Act"), and the Ohio Water Pollution Control Act (Ohio Revised Code Chapter 6111), discharges of storm water from industrial facilities, as defined in Part 1.1.1 of this permit, are authorized by the Ohio Environmental Protection Agency, hereafter referred to as "Ohio EPA," to discharge from the sites and to the receiving surface waters of the State identified in the applicant's Notice of Intent (NOI) on file with Ohio EPA in accordance with the conditions specified in Parts 1 through 8 of this permit. The Appendices contain additional permit conditions that apply to all operators covered under this permit.

It has been determined that a lowering of water quality of various waters of the State associated with granting coverage under this permit is necessary to accommodate important social and economic development in the state of Ohio. In accordance with OAC 3745-1-05, this decision was reached only after examining a series of technical alternatives, reviewing social and economic issues related to the degradation, and considering all public and intergovernmental comments received concerning the proposal.

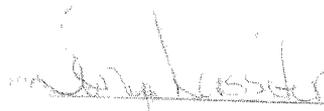
Permit coverage is conditioned upon payment of applicable fees, submittal of a complete Notice of Intent, and receipt of written approval of coverage from the Director of Ohio EPA in accordance with Ohio Administrative Code Rule 3745-38-02(E).

This permit shall expire at midnight on the expiration date shown above. In order to continue authorization to discharge, the permittee shall submit such information and forms as are required by the Ohio EPA.



Craig W. Butler
Director

I hereby certify this to be a true and accurate copy of the official documents as filed in the records of the Ohio Environmental Protection Agency.

 Date: 5-8-17