



Mike DeWine, Governor
Jon Husted, Lt. Governor
Laurie A. Stevenson, Director

March 22, 2021

Oil and Realty Company
Dba EOLM Landfill
1710 Lennox Avenue
Lima, Ohio 45804

**Re: EOLM Lima Allen County Landfill, Inc.
Director's Final Findings and Orders (DFFO)
DFFOs
Construction and Demolition Debris (C&DD) Landfills
Allen County
CDDL018889**

Benjamin Hefner
1500 Fort Amanda Road
Lima, Ohio 45804

And

Lima Allen County Landfill Inc.
1500 Fort Amanda Road
Lima, Ohio 45804

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 regarding **Oil and Realty Company dba EOLM Landfill, Benjamin Hefner and Lima Allen County Landfill, Inc.**

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

Sincerely,

Jeri Main

Jeri Main, Administrative Professional III
Division of Materials & Waste Management

Enclosure

ec: Bruce McCoy, DMWM, CO
Carl Mussenden, DMWM, CO
Michael Reiser, DMWM, NWDO
Kristin Tillison, DMWM, NWDO
Teri Finfrock, Legal
Tyler Hefner, eolm1500@yahoo.com
Dave Nash, dnash@mdlip.net

**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

In the Matter Of:

Oil and Realty Company :
dba EOLM Landfill : Director's Final Findings
1710 Lennox Ave : and Orders
Lima, Ohio 45804 :

Benjamin Hefner :
1500 Fort Amanda Road :
Lima, Ohio 45804 :

and

Lima Allen County Landfill Inc. :
1500 Fort Amanda Road :
Lima, Ohio 45804 :

Respondents

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to Oil and Realty Company dba EOLM Landfill, Benjamin Hefner and Lima Allen County Landfill, Inc. ("Respondents") pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("ORC") Sections 3714.12 and 3745.01.

II. PARTIES BOUND

These Orders shall apply to and be binding upon Respondents and successors in interest liable under Ohio law. No change in ownership of the Facility as hereinafter defined shall in any way alter Respondents' obligations under these Orders.

III. DEFINITIONS

Unless otherwise stated, all terms used in these Orders shall have the same

meaning as defined in ORC Chapter 3714 and the rules promulgated thereunder.

IV. FINDINGS

The Director of Ohio EPA has determined the following findings:

1. The EOLM C&DD Landfill ("Facility") is a "construction and demolition debris facility" as that term is defined in Ohio Administrative Code ("OAC") Rule 3745-400-01(C)(3) located at 1500 Fort Amanda Road, Lima, Allen County, Ohio. The Facility is located on properties identified as parcel numbers 46020001003000 and 46020002003000 by the Allen County Auditor ("Properties").
2. Respondent Lima Allen County Landfill, Inc. is the "owner" of the Facility as that term is defined in OAC Rule 3745-400-01(P)(2).
3. Respondent Benjamin Hefner and Respondent Oil and Realty Company dba EOLM Landfill ("EOLM") are each an "operator" of the Facility as that term is defined in OAC Rule 3745-400-01(C)(6).
4. Beginning in 2015, Ohio EPA cited Respondents for various violations of Ohio's Construction and Demolition Debris (C&DD) statutes and rules, including but not limited to: placement of C&DD outside of authorized limits at the Facility; cliffing; and excessive leachate head outside the sump areas.
5. On October 3, 2016, Ohio EPA and Respondents entered into negotiation of a Compliance Plan (2018 Plan) and schedule to address the violations. The Compliance Plan and schedule were memorialized in Director's Final Findings and Orders issued on December 13, 2018 ("2018 DFF&Os"), which required Respondent to, among other things: implement the 2018 Plan; place all debris within the authorized limits of waste placement; stabilize the slopes of the facility; and relocate overfilled debris and grade the Northern, Eastern, and Southern Slopes of the Facility to approvable grades.
6. Since the issuance of the 2018 DFF&Os, Ohio EPA and Respondents have engaged in regular discussions to track progress toward compliance at the Facility.
7. Order No. 1 of the 2018 DFF&Os required implementation of the 2018 Plan, which was attached and incorporated within the 2018 DFF&O's as if written therein.
8. The design for the regraded Eastern and Southern Slopes included in the 2018 Plan required filling within the boundaries of a 100-year floodplain, which in turn would require approval from the local level flood plain administrator.
9. During a meeting between Ohio EPA and Respondents on June 8, 2020, Respondents indicated to Ohio EPA that the slope design for the Eastern and Southern Slopes would be revised in such a manner that filling in the regulatory flood plain would no longer be required.

10. On December 9, 2020 Respondents through their contractor submitted the final version of the updated Compliance Plan (Compliance Plan-2020), including revised designs for the Eastern and Southern Slopes that eliminated filing in the regulatory flood plain.

V. ORDERS

Respondents shall achieve compliance with Chapter 3714. of the Ohio Revised Code and the rules promulgated thereunder, according to the following Orders. The Director's Final Findings and Orders issued to Respondents on December 13, 2018 remain in full force and effect except as modified below:

1. Respondents shall implement the Compliance Plan-2020, which is hereby approved and attached as Exhibit 1 hereto. The Compliance Plan-2020 hereby supersedes and replaces the 2018 Plan. The entirety of the Compliance Plan-2020 is incorporated herein as if fully rewritten.

2. Paragraph 15 of **Section V.** Orders shall be modified to read:

By December 13, 2021, Respondents shall have completed relocation of all debris placed outside of authorized limits from the Eastern Slope of the Facility to the ALDA as depicted in the Compliance Plan-2020. If waste relocation from the Eastern Slope cannot be completed by this date, Respondents may request a modification of this Order in accordance with **Section IX. Modifications.**

3. Paragraph 16 of **Section V.** Orders shall be modified to read:

By December 13, 2021, Respondents shall have completed grading and buttressing the Eastern Slope of the Facility in compliance with the grades identified in the Compliance Plan-2020. If grading and buttressing of the Eastern Slope cannot be completed by this date, Respondents may request a modification of this Order in accordance with **Section IX. Modifications.**

4. Paragraph 18 of **Section V.** Orders shall be modified to read:

By December 13, 2023, Respondents shall have completed relocation of all debris placed outside of authorized limits from the Southern Slope of the Facility to the ALDA as depicted in the Compliance Plan-2020. If waste relocation from the Southern Slope cannot be completed by this date, Respondents may request a modification of this Order in accordance with **Section IX. Modifications.**

5. Paragraph 19 of **Section V.** Orders shall be modified to read:

By December 13, 2023, Respondents shall have completed grading and

buttressing the Southern Slope of the Facility in compliance with the grades identified in the Compliance Plan-2020. If grading and buttressing of the Southern Slope cannot be completed by this date, Respondents may request a modification of this Order in accordance with **Section IX. Modifications**.

VI. TERMINATION

Respondents' obligations under these Orders shall terminate when Respondents certify in writing and demonstrate to the satisfaction of Ohio EPA that Respondents have 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 Respondents of the obligations that have not been performed, in which case Respondents shall have an opportunity to address any such deficiencies and seek termination as described above.

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 Respondents to Ohio EPA and shall be signed by a responsible official of Respondents. For purposes of these Orders, a responsible official is any person identified in OAC Rule 3745-500-50.

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 operation of the Facility.

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 Respondents.

IX. 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. Any proposed modification to the approved Compliance Plan-2020 attached hereto as Exhibit 1 to these Orders shall be submitted in writing and shall not be effective until approved in writing by the Ohio EPA and will not require a modification to the Order.

X. NOTICE

All documents required to be submitted by Respondent pursuant to these Orders shall be addressed to:

Ohio Environmental Protection Agency
Northwest District Office
347 N. Dunbridge Road
Bowling Green, Ohio 43402
Attn: DMWM Manager

and to:

Ohio Environmental Protection Agency
Division of Materials and Waste Management
P.O. Box 1049
Columbus, Ohio 43216-1049
Attn: DMWM Enforcement Coordinator

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

XI. RESERVATION OF RIGHTS

Ohio EPA and Respondents each reserve all rights, privileges and causes of action, except as specifically waived in Section XII of these Orders.

XII. 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 any violations specifically cited herein.

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

Notwithstanding the preceding, Ohio EPA and Respondents agree that if these

Orders are appealed by any other party to the Environmental Review Appeals Commission, or any court, Respondents retain the right to intervene and participate in such appeal. In such an event, Respondents shall continue to comply with these Orders notwithstanding such appeal and intervention unless these Orders are stayed, vacated or modified.

XIII. EFFECTIVE DATE

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

XIV. 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. The parties acknowledge and agree that this Order may be executed by electronic signature, which shall be considered as an original signature for all purposes and shall have the same force and effect as an original signature. Without limitation, "electronic signature" shall include faxed versions of an original signature or electronically scanned and transmitted versions (e.g., via pdf) of an original signature.

Modified Director's Final Findings and Orders
EOLM C&DD Landfill
Page 7 of 8

IT IS SO ORDERED AND AGREED:

Ohio Environmental Protection Agency



Laurie A. Stevenson
Director

IT IS SO AGREED:

Oil and Realty Company dba EOLM Landfill

Ben Hefner
Signature

Ben Hefner
Printed or Typed Name

President
Title

Benjamin Hefner

Ben Hefner
Signature

Ben Hefner
Printed or Typed Name

President
Title

Lima Allen County Landfill Inc.

Ben Hefner
Signature

Ben Hefner
Printed or Typed Name

President
Title

Exhibit 1



December 9, 2020

Kristin Tillison
Ohio Environmental Protection Agency
Division of Materials and Waste Management
347 North Dunbridge Road
Bowling Green, Ohio 43402

Re: EOLM Revised Compliance Plan

Dear Ms. Tillison:

The Mannik & Smith Group, Inc. (MSG) is submitting the attached Revised Compliance Plan for the EOLM Construction & Demolition Debris Landfill.

These revisions reflect the discussions that have taken place between Ohio EPA and EOLM. The general concept of the revisions is to keep the lateral limits of the facility out of the flood plain and to then regrade the existing east and south side slopes to a 3:1 slope.

Should you have any questions regarding this revised plan, please contact myself or Karen Dolliver.

Sincerely,

A handwritten signature in blue ink that reads "Ed Merriman".

Ed Merriman
Sr. Project Manager



TECHNICAL SKILL.
CREATIVE SPIRIT.

2020 Compliance Plan Revisions - FINAL.docx

ATTACHMENT A
EOLM-LIMA ALLEN COUNT LANDFILL, INC. COMPLIANCE PLAN

EOLM-LIMA ALLEN COUNTY LANDFILL, INC. COMPLIANCE PLAN
PLAN TO RETURN TO COMPLIANCE WITH THE CURRENT LICENSE APPLICATION
SEPTEMBER 28, 2018 REVISED December 9, 2020

EOLM-Lima Allen County Landfill, Inc. (EOLM) owns and operates a Construction and Demolition Debris (C&DD) landfill located in Lima, Ohio under license with the Ohio Environmental Protection Agency (EPA). On behalf of EOLM, the Mannik & Smith Group, Inc. (MSG), has prepared this Compliance Plan to return the facility to compliance with current C&DD regulations. Future License Applications for the facility will also be prepared meeting the requirements of this final Compliance Plan. In addition, it is the intent of Ohio EPA to have this Compliance Plan be an attachment to the pending Director's Final Findings and Orders (DFFO's).

This Compliance Plan narrative has been organized into the following sections:

- Contextual Background
- Overall Eastern Portion of the Facility
- East End
- North Slope
- South Slope
- Cell 4 and Sump 2
- Sump 1
- Volume Estimates
- Implementation Schedule
- 2019 License Application and Financial Assurance.

1. Contextual Background

This Compliance Plan arose out of the Ohio EPA Notice of Violation (NOV) dated July 20, 2016, a meeting between Ohio EPA and EOLM on October 3, 2016, and EOLM's Project Summary submitted to Ohio EPA dated October 11, 2016. Also, as agreed between Ohio EPA and EOLM, the initial Compliance Plan was considered a draft design document from which the parties would continue working to resolve open issues, arriving at this final Compliance Plan.

When EOLM acquired the facility in October 2000, there were areas of the eastern portion of the facility with elevations of debris and clean fill that already exceeded the approved elevations and were not in compliance with the License Application at the time, or with the initial License Application for the facility. During 2015, alternate plans were submitted to Ohio EPA for the EOLM facility. During 2016, there were meetings and written correspondences between Ohio EPA, EOLM, McMahon DeGulis, and B&N. Through these meetings and written correspondences, EOLM was directed to prepare and submit an engineering plan.

Updated mapping obtained for the 2018 License Application preparation was used as the basis for design in the original Compliance Plan. Updated mapping obtained for the 2021 license application was used for existing grades for this revised compliance plan. This Compliance Plan, submitted on behalf of EOLM, addresses alleged over height violations where economically and technically feasible and, where not feasible, the over height will be left in place and incorporated into EOLM's approved plan documents. This Compliance Plan will be incorporated into DFFO's to be negotiated by the parties. Along with approval of a final Compliance Plan, any remaining over height violations will be resolved through the DFFO's.

Previously submitted proposals and plans are all replaced by this final Compliance Plan and details from the previous submittals have been incorporated into the attached drawings. To develop this final Compliance

Plan, EOLM has worked with Ohio EPA through a series of submittals, meetings, and conference calls. Previous submittals of this document are as follows:

- May 2, 2014 Proposed Design Change for the South Slope of the EOLM Facility
- Sept 23, 2014 Ohio EPA Comments on the South Slope Correction Plan
- Feb 6, 2015 Response to Ohio EPA Comments on South Slope Correction Plan
- Dec 29, 2016 Compliance Plan Initial Submittal (30 to 60 percent design)
- Jan 27, 2016 Ohio EPA Comments on the Compliance Plan Initial Submittal
- April 24, 2017 Second Design Submittal
- June 30, 2017 Ohio EPA Comments on Second Submittal
- April 12, 2018 Third Design Submittal
- June 4, 2018 Ohio EPA Comments on Third Submittal
- June 26, 2018 Meeting Held on Design Submittal and Proposed DFFOs
- August 8, 2018 Final Design Submittal
- December 9, 2020 REVISED Compliance Plan submitted to Ohio EPA

The materials in question at the facility have been in place prior to the original License Application and prior to the current owner buying the facility. In addition, much of the stockpiled over height material is believed to be soil that was excavated as part of development of the original disposal area.

2. Proposed Changes to the Site Design

Through this modification to the Compliance Plan, the horizontal limits of debris will not change. The added fill in the flood plain and wetlands to flatten the slopes has been eliminated. Instead, the eastern and southern slopes will be regraded to a 3:1 slope to provide a stable slope on which to construct final cover.

Please reference the plan sheets from the 2021 License application for the redesigned grades.

3. South Slope

This compliance plan is being revised to eliminate the filling of the flood plain to the south of the debris limit. Initially this was intended to buttress and flatten the slopes. It has been determined that filling in the flood plain is not a likely option, so a plan to regrade the slope has been developed. The south slope will be graded to a 3:1 slope from the existing horizontal limit of debris upward.

Please reference the plan sheets from the 2021 License application for the redesigned grades.

4. Volume Estimates

In previous design submittals and proposals, volume estimates of C&DD overheight as compared to License Applications at the time were presented. Since the topographic mapping for the complete facility was updated in September 2018 and final design of the Compliance Plan is being submitted with this narrative, updated volume estimates were calculated based on the final design. All volume estimates in previous Compliance Plans are outdated and void.

The northern slope has been completed.

A plan has been proposed to Ohio EPA to regrade the east and south slopes. These debris/fill limit for these slopes will be maintained at the existing limit of debris and graded at a 3:1 slope. Excess C&DD material will

be graded up slope and placed in areas where the existing grade is below final debris grades shown in the 2021 license application drawings.

Table 1
Volume Estimates for Proposed Changes

Proposed Volumes of Material to be Removed or Filled			
Area of the Eastern Portion of the Facility	Volume of Material Overheight in Relation to New top of C&DD to be Cut and Relocated (cy)	Volume of Material to be filled to achieve final slopes of the New Top of C&DD (cy)	Net (cy)
Combined East and South Slopes	18,608	679	17,929

5. Direct Discharge of Leachate to the Allen County Sanitary Sewer

The connection to the Allen County Sanitary Sewer was completed in April 2019, and certified to Ohio EPA in May 2019.

6. Sump 1

Leachate from Sump 1 has been directed to the City of Lima WWTP located just to the east of EOLM. This connection was completed in November 2020. The certification is currently being prepared.

7. Implementation Schedule

Implementation of this Compliance Plan will be accomplished in steps. A summary of the compliance dates is contained in the DFFOs. EOLM may choose to complete some of the tasks ahead of the deadlines in the DFFOs.

8. 2019 License Application and Financial Assurance

The 2019 and 2020 license application were based off the 2018 compliance plan. The 2021 license application indicates revised limits of fill to the east and south based on the changes submitted to Ohio EPA in 2020.

9. East End

This compliance plan is being revised to eliminate the filling of the flood plain and wetland to the east of the debris limit. Initially this was intended to buttress and flatten the slopes. It has been determined that filling in the flood plain is not a likely option, so a plan to regrade the slope has been developed. The slope will be graded to a 3:1 slope from the existing limit of debris upward.

Please reference the plan sheets from the 2021 License application for the redesigned grades.

10. North Slope

The north slope was graded and capped in accordance with the 2018 Compliance Plan during the 2019 construction season. A certification report was submitted in March 2020 and Ohio EPA concurred with that report.

Please reference the plan sheets from the 2021 License application for the redesigned grades.