



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

June 30, 2021

Rumpke Sanitary Landfill, Inc.
10795 Hughes Road
Cincinnati, OH 45251

**Re: Rumpke Sanitary Landfill
Director's Final Findings and Orders (DFFO)
DFFOs
Municipal Solid Waste Landfills
Hamilton County
MSWL018791**

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 **Rumpke Sanitary Landfill**.

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

Sincerely,

Jeri Main

Jeri Main
Administrative Professional Unit
Division of Materials & Waste Management

Enclosure

ec: Bruce McCoy/Carl Mussenden, DMWM, CO
Jim Kavalec, DAPC, CO
Maria Lammers/Michella Ackenhausen, DMWM, SWDO
Teri Finrock/Robin Nichols/Drew Bergman, Legal
James Thaxton, jim.thaxton@rumpke.com
Chris Jaquet, chris.jaquet@rumpke.com
Jean Lakamp Hetzer, jean.lakampHetzer@rumpke.com

**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

In the Matter of:

Rumpke Sanitary Landfill, Inc	:	Director's Final Findings
10795 Hughes Road	:	and Orders
Cincinnati, OH 45251	:	

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to Rumpke Sanitary Landfill, Inc. (Respondent), pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency under Ohio Revised Code (ORC) Sections 3704.03, 3734.13, and 3745.01, to modify the Director's Final Findings and Orders dated March 18, 2010.

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 (as hereinafter defined) 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 Chapter 3704 and the rules promulgated thereunder.

IV. FINDINGS

The Director of Ohio EPA makes the following findings:

1. Respondent owns and operates a landfill located at 10795 Hughes Road, Cincinnati, Hamilton County, Ohio, Ohio EPA facility ID# 1431092049 (Facility).
2. On March 18, 2010, the Director and Respondent consented to Director's Final Findings and Orders (March 2010 Orders).
3. The Action Plan attached to the March 2010 Orders was revised by Respondent by submittal dated March 9, 2011.

4. On March 27, 2012, the Director and Respondent consented to a partial modification of the March 2010 Orders (March 2012 Orders).

5. In March of 2020, US EPA made significant changes to the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Municipal Solid Waste Landfills (40 CFR Part 63, Subpart AAAAA). In part, these changes aligned this NESHAP rule with the New Source Performance Standards for Municipal Solid Waste Landfills in 40 CFR Part 60, Subpart WWW and Subpart XXX. The requirements in Subpart AAAAA become effective September 27, 2021 but the rule does allow an early opt-in provision. In early 2021, Respondent notified the Southwest Ohio Air Quality Agency (SWOQA), Ohio EPA's contractual agent for air pollution matters in Hamilton County, that they would be opting in early to comply with the requirements in 40 CFR Part 63, Subpart AAAAA. The effective date of this opt-in was January 1, 2021.

6. By opting in early to 40 CFR Part 63, Subpart AAAAA, Respondent must now operate each interior wellhead with a landfill gas temperature less than 145 degrees Fahrenheit rather than less than 131 degrees Fahrenheit in 40 CFR Part 60, Subpart WWW and Subpart XXX. In light of the foregoing, and in accordance with Section XIII of the March 2010 Orders, the Director finds that these Director's Final Findings and Orders are necessary to address this change. These Director's Final Findings and Orders are intended to revise and modify portions of Section V of the March 2010 Orders and VIII Termination.

V. ORDERS

The Director hereby issues the following Orders:

1. As of the effective date of these Orders, Respondent shall comply with the requirements in 40 CFR Part 63, Subpart AAAAA in lieu of 40 CFR Part 60, Subpart WWW and Subpart XXX.

2. Section V of the March 2010 Orders is hereby modified to replace Orders 5 and 6 with the following:

"5. Respondent shall report all exceedances of applicable parameters of 40 CFR Part 63, Subpart AAAAA as outlined in 40 CFR 63.1981(h). Respondent also shall report exceedances that are not corrected in the manner prescribed by 40 CFR 63.1960 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 Action Plan, Respondent shall comply with the Action Plan as a means of addressing the deviation under 40 CFR Part 63, Subpart AAAAA.

6. Respondent shall operate each interior wellhead with a landfill gas temperature less than 145 degrees Fahrenheit rather than less than 131 degrees Fahrenheit in 40 CFR Part 60, Subpart XXX as specified in 40 CFR 60.763, PTI #P0124272 and the Title V Permit. A higher operating temperature may be allowed within a given well if the Respondent makes the showings required by 40 CFR 63.1958(c)(2)."

3. Except as specifically set forth in Order 2, above, and VI. Termination, below, all provisions of the March 2010 Orders, as modified by the March 2012 Orders, remain unchanged and in effect.

VI. 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, these obligations have been embedded in operation permits where appropriate, and the Chiefs of Ohio EPA's Division of Air Pollution Control and Division of Materials and Waste Management acknowledge, 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 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 purposes of these Orders, a responsible official is as defined in OAC Rule 3745-77-01 (JJ) and for a corporation it is a corporate officer who is in charge of a principal business function of 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, operations by Respondent.

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 Respondent.

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.

X. NOTICE

All documents required to be submitted by Respondent pursuant to these Orders shall be submitted through the Ohio EPA's eBusiness Center: Air Services web service and emailed to kerri.castlen@hamilton-co.org or to such persons and addresses as may hereafter be otherwise specified in writing by Ohio EPA.

XI. RESERVATION OF RIGHTS

Ohio EPA and Respondent 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, Respondent consents to the issuance of these Orders and agrees to comply with these Orders. Compliance with these Orders shall be a full accord and satisfaction for Respondent's liability for the violations specifically cited herein and all violations of ORC Chapter 3704 known to Ohio EPA up through the effective date of 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.

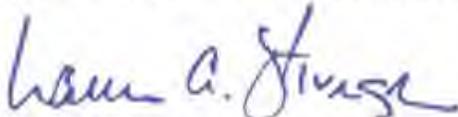
XIII. EFFECTIVE DATE

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.

**ORDERED AND AGREED:
Ohio Environmental Protection Agency**



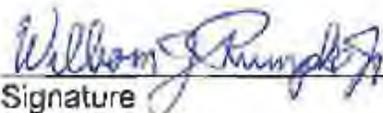
Laurie A. Stevenson
Director

6/30/2021

Date

AGREED:

Rumpke Sanitary Landfill, Inc.



Signature

6-10-21

Date

WILLIAM J RUMPKER JR.

Printed or Typed Name and Title

RUMPKER SANITARY LANDFILL, INC.

PRESIDENT & CEO