



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

September 28, 2021

Rumpke Waste, Inc.
3990 Generation Drive
Cincinnati, Ohio 45251

**Re: Athens-Hocking Reclamation Center
Directors Final Findings and Orders
DFFOs
Municipal Solid Waste Landfills
Athens County
MSWL018746**

**RE: Kilbarger Construction Inc Meigs County Transfer Fac
Directors Final Findings and Orders
DFFOs
Solid Waste Transfer Facility
Meigs County
SWTF018440**

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 Waste, Inc.**

You are hereby notified that this action of the Director of Ohio EPA (Director) is final and may be appealed to the Environmental Review Appeals Commission pursuant to Section 3745.04 of the Ohio Revised Code. 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 E. Broad St., 4th Floor
Columbus, Ohio 43215

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: Jeremy Carroll, DMWM, CO
Bruce McCoy, DMWM, CO
Carl Mussenden, DMWM, CO
Teri Finrock, Legal
Richard, Fox, DMWM, SEDO

**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

In the Matter of:

Rumpke Waste, Inc.	:	<u>Director's Final Findings</u>
3990 Generation Drive	:	<u>and Orders</u>
Cincinnati, Ohio 45251	:	

Applicant

PREAMBLE

It is hereby agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are hereby issued to Rumpke Waste, Inc. ("Applicant") pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("ORC") Sections 3734.02(G) and 3734.13.

II. PARTIES

These Orders shall apply to and be binding upon Applicant, and its successors in interest liable under Ohio law. No changes in ownership relating to its Facility, as hereinafter defined, will in any way alter Applicant'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 3734, and the rules promulgated thereunder.

IV. FINDINGS OF FACT

The Director has determined the following findings:

1. By letter dated July 8, 2021, and mailed via electronic mail on July 9, 2021, the Applicant, through its consultant, James Thaxton, indicates that it intends own and operate the Athens Hocking Reclamation Center Landfill (Landfill) located at 17970 US 33, Nelsonville, Ohio, and Meigs County Transfer Station located at 34878 Rocksprings Rd, Pomeroy, Ohio (Transfer Station).
2. The Landfill and the Transfer Station are each a "Facility" as that term is defined under ORC Section 3734.01(N).

3. The Landfill is a "sanitary landfill facility" as defined under OAC Rule 3745-27-01(S)(4) and a "solid waste disposal facility" as defined under OAC Rule 3745-500-02(S)(4).
4. Transfer Station is a "solid waste transfer facility" as defined under OAC Rule 3745-500-02(S)(7).
5. Both the Landfill and the Transfer Station are regarded as "off-site facilities" as that term is defined in ORC Section 3734.41(G) and Ohio Administrative Code ("OAC") Rule 109:6-1-01(R).
6. ORC Section 3734.42(I)(1) provides, in pertinent part, that "[w]henver there is a change in ownership of any off-site solid waste facility, . . . the prospective owner shall file a disclosure statement with the attorney general and the director at least one hundred eighty days prior to the proposed change in ownership." Under ORC Section 3734.42(I)(1), the Director is authorized to disapprove the change in ownership if he determines that the disclosure statement or the investigative report contains information that would require a denial of a permit under ORC Section 3734.44.
7. In correspondence dated July 8, 2021, Applicant requested an exemption pursuant to ORC Section 3734.02(G) from the 180-day pre-notification requirement specified in ORC Section 3734.42(I)(1).
8. Prior to Ohio EPA's receipt of Applicant's July 8, 2021, correspondence, Applicant notified the Office of the Attorney General regarding its intent to acquire the Landfill and the Transfer Station.
9. ORC Section 3734.42(I)(3) defines the term "change in ownership" to include "any change in the names, other than those of officers, directors, partners, or key employees, contained in the disclosure statement." The transaction will result in a change in ownership of the Landfill and the Transfer Station.
10. ORC Section 3734.42(I)(2) provides that "[i]f the parties to a change in ownership decide to proceed with the change prior to the action of the director on the disclosure statement and investigative report, the parties shall include in all contracts or other documents reflecting the change in ownership language expressly making the change in ownership subject to the approval of the director and expressly negating the change if it is disapproved by the director pursuant to division (F)(1) of this section."
11. Pursuant to ORC Section 3734.02(G), the Director may, by order, exempt any person collecting, storing, or disposing of solid waste in such quantities or under such circumstances from any requirement of ORC Chapter 3734, if, in the determination of the Director, it is unlikely that the public health or safety or the environment will be adversely affected thereby. Any such

exemption shall be consistent with and equivalent to rules promulgated under the Resource Conservation and Recovery Act of 1976, 90 Stat. 2806, 42 U.S.C. Section 6921, et seq., as amended.

12. Pursuant to ORC Section 3734.02(G), the Director has determined that exempting the Applicant from the requirement to submit an environmental background investigation disclosure statement at least 180 days prior to the proposed "change in ownership" described above is unlikely to adversely affect public health or safety or the environment.

V. ORDERS

The Director hereby issues the following Orders:

1. The Applicant is hereby exempted from the requirement to file a disclosure statement at least 180 days prior to the date of the proposed change in ownership of the Athens Hocking Reclamation Center Landfill (Landfill) located at 17970 US 33, Nelsonville, Ohio, and the Meigs County Transfer Station located at 34878 Rocksprings Rd, Pomeroy, Ohio, as required in ORC Section 3734.42(I)(1) and OAC Rule 109:6-1-02(A)(3).
2. Except as otherwise expressly provided herein, the Applicant shall comply with all other applicable requirements of ORC Chapter 3734 and the rules adopted thereunder, as well as OAC Chapter 109:6-1, in connection with the purchase of the Landfill and the Transfer Station.

VI. 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 Applicant or the Landfill and the Transfer Station. If the parties decide to proceed with the change prior to the action of the director on the disclosure statement and investigative report, the parties shall include in all contracts or other documents reflecting the change in ownership language expressly making the change in ownership subject to the approval of the director and expressly negating the change if it is disapproved by the director pursuant to ORC Section 3734.42(I)(1).

VII. RESERVATION OF RIGHTS

Ohio EPA reserves all rights, privileges and causes of action. Nothing contained herein shall be construed to prevent Ohio EPA from exercising its lawful authority to require Applicant to perform additional activities pursuant to ORC Chapters 3734. or 3714. or any other applicable law in the future.

VIII. EFFECTIVE DATE

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

IT IS SO ORDERED:

OHIO ENVIRONMENTAL PROTECTION AGENCY

A handwritten signature in blue ink, reading "Laurie A. Stevenson". The signature is written in a cursive style and is positioned above a horizontal line.

Laurie A. Stevenson, Director
Ohio EPA