



Mike DeWine, Governor
Jon Husted, Lt. Governor
Anne M. Vogel, Director

June 27, 2023

Lordstown Construction Recovery, LLC
fka Lafarge North America Inc.
fka Standard Slag Co.
6205 Palmyra Road SW
Warren, Ohio 44481

**Re: Lordstown Construction Recovery LLC
Director's Final Findings and Orders (DFFO)
DFFOs
Construction & Demolition Debris (C&DD) Landfills
Trumbull County
CDDL018743**

Holcim-ACM Management Inc.

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 **Lordstown Construction Recovery, LLC**.

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

Sincerely,

Jeri Main

Jeri Main
Administrative Processing Unit
Division of Materials & Waste Management

Enclosure

ec: Bruce McCoy/ Kelly Jeter, DMWM, CO
Larry Reeder, DSW, CO
Janine Maney, Legal, CO
Lynn Sowers, Jarnal Singh, DMWM, NEDO

**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

In the Matter Of:

Lordstown Construction Recovery, LLC	:	<u>Director's Final Findings</u>
fka Lafarge North America Inc.	:	<u>and Orders</u>
fka Standard Slag Co.	:	
6205 Palmyra Road SW	:	
Warren, Ohio 44481	:	
	:	
Holcim-ACM Management Inc.	:	

Respondents

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders and attachments fully incorporated herein are issued to Lordstown Construction Recovery, LLC and Holcim-ACM Management Inc. ("Respondents") pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("ORC") Sections 3704.03, 3714.12, 3745.01, and 6111.03.

II. PARTIES

These Orders shall apply to and be binding upon Respondents and their successors in interest liable under Ohio law. No change in ownership of Respondents or 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 Chapters 3704, 3714, and 6111 and the rules promulgated under those chapters.

IV. FINDINGS

All of the findings necessary for the issuance of these Orders pursuant to ORC Chapters 3704, 3714, and 6111 and ORC § 3745.01 have been made and are outlined below. *Nothing in the findings shall be considered to be an admission by Respondent of any matter of law or fact.* The Director of Ohio EPA ("Director") has determined the following findings:

General Findings

1. The Lordstown Construction Recovery Facility is a "construction and demolition debris facility" as that term is defined in Ohio Administrative Code ("OAC") Rule 3745-400-01(C)(6) ("C&DD facility" or "Facility") located at Newton Falls Bailey Road SW and at Palmyra Road, in Warren, Trumbull County, Ohio 44481 (the "Property").
2. Lordstown Construction Recovery, LLC ("Respondent LCR") is the "operator" of the C&DD facility as that term is defined in OAC Rule 3745-400-01(O)(2).
3. Respondent LCR, fka Lafarge North America Inc. is the owner of the portion of the Property where the C&DD facility is located at Newton Falls Bailey Road SW, in Warren, Trumbull County, Ohio 44481, and the "owner" of the C&DD facility as that term is defined in OAC Rule 3745 400-01(O)(3).
4. Holcim-ACM Management, Inc. is the "parent corporation" of Respondent LCR, and the "owner" or "operator" of the C&DD facility as that term is defined in OAC Rule 3745 400-01(O)(2) and (3).
5. Respondent LCR is a "person" as that term is defined by ORC Section 3714.01 and OAC Rule 3745-400-01(P)(4).
6. The Trumbull County Combined Health District ("Health Department") is on the Director's approved list in accordance with ORC Section 3714.09 and is the "licensing authority," as that term is defined in OAC Rule 3745-400-01(L)(4).
7. On September 5, 2002, the Health Department issued the "initial license," as that term is defined by OAC Rule 3745-400-01(I)(3), for the Facility.
8. The Facility is a licensed C&DD facility and is authorized to accept "construction and demolition debris" ("C&DD") as that term is defined by ORC Section 3714.01 and OAC Rule 3745-400-01(C)(4).
9. On November 23, 2016, Ohio EPA issued orders ("2016 Orders") to Respondents to address violations associated with operations, ground water, surface water, and odors.
10. On October 30, 2019, Ohio EPA issued orders ("2019 Orders") to Respondent LCR and Respondent Standard Slag to address odor violations at the Facility.
11. On June 9, 2021, Ohio EPA received a verified complaint submitted pursuant to ORC Section 3745.08, alleging Respondent LCR violated laws, rules, standards, or orders relating to air pollution, water pollution, solid waste, and construction and demolition debris ("First Verified Complaint").
12. Upon receipt of a verified complaint, under ORC Section 3745.08(B), the Director must cause a prompt investigation to determine whether a violation has occurred,

- is occurring, or will occur. The investigation must include a discussion of the complaint with the alleged violator(s).
13. The Ohio EPA, as part of its Verified Complaint investigation, conducted interviews of both the complainant and Respondent LCR. In addition, Ohio EPA conducted unannounced multi-media inspections of the Facility on September 15, 2021, December 3, 2021, and May 2, 2022.
 14. Pursuant to ORC Section 3745.08(B), following the investigation of a verified complaint, the Director may enter such order as may be necessary, request the attorney general to commence appropriate legal proceedings, or, where the director determines that prior violations have been terminated and that future violations of the same kind are unlikely to occur, the director may dismiss the complaint.
 15. The Director has reviewed the results of the First Verified Complaint investigation and, pursuant to ORC 3745.08, the Director has determined that certain violations, as alleged in the June 9, 2021 Verified Complaint, have occurred, are occurring, or will occur and that other alleged violations did not occur at the Facility and that these Orders are necessary to address same.
 16. On June 23, 2022, Ohio EPA received a second verified complaint submitted pursuant to ORC Section 3745.08, alleging Respondent LCR violated laws, rules, standards, or orders relating to air pollution, water pollution, solid waste, and construction and demolition debris ("Second Verified Complaint").
 17. As required by ORC Section 3745.08, Ohio EPA investigated the allegations in the Second Verified Complaint, including: (1) an interview with the complainant conducted on September 20, 2022; and (2) a telephone interview with Respondent LCR conducted on September 27, 2022.
 18. Based upon the results of the investigation of the Second Verified Complaint, the Director determined that certain violations alleged in the Second Verified Complaint have occurred, are occurring, or will occur at the Facility and that other alleged violations did not occur; that those violations had one or more issues of fact or law in common with the alleged violations in the First Verified Complaint; and that these Orders are necessary to address the violations alleged in the Second Verified Complaint.
 19. ORC Section 3745.08(D) states: "A complaint filed under this section may be consolidated with any other complaint filed under this section, or any finding of the director, where the director determines that consolidation will facilitate enforcement of any law that the agency is charged with administering under section 3745.01 of the Revised Code and there are one or more issues of fact or law in common."
 20. Pursuant to ORC Section 3745.08, the First and Second Verified Complaints have one or more common issues of law or fact. Therefore, the Director has determined

that consolidation of the First and Second Verified Complaints in these Orders will facilitate enforcement of laws that Ohio EPA is charged with administering under section 3745.01 of the Revised Code, and the Director has determined that it is necessary to address all alleged violations in both verified complaints through these Orders.

Division of Materials and Waste Management ("DMWM") Findings

21. OAC Rule 3745-400-11(B)(1) requires the owner or operator to "conduct all operations at the facility in strict compliance with the license, any orders, and other authorizing documents issued in accordance with Chapter 3714 of the Revised Code."
22. Order No. 14 of the 2016 Orders requires the implementation of the Odor Control Compliance Plan, which was attached as Exhibit A to the 2016 Orders. Paragraph 1 of the Odor Control Compliance Plan requires that "[u]pon the effective date of the Plan, at the working face, LCR shall apply each day the Facility is open a daily cover consisting of a soil layer, a minimum of six inches thick, or an alternative daily cover upon written approval of the Director of Ohio EPA (the "Director"), at the end of the working day, but in no event shall debris be exposed for more than twenty-four hours after placement at the working face."
23. Pursuant to OAC Rule 3745-400-11(B)(9), owners and operators are required to "keep a daily log of operations of the facility that contains all the information specified on forms prescribed by the director." The rule further provides that "[a]ll entries required by the log form shall be completed. A copy of the log shall be available for inspection by the licensing authority during normal operating hours."
24. OAC Rule 3745-400-11(B)(16) states that "[t]he owner or operator shall not cause or allow operations to create a nuisance or health hazard from noise, dust, odors, and the attraction or breeding of birds, insects, rodents, and other vectors."
25. OAC Rule 3745-400-11(B)(17) prohibits the owner or operator from causing water pollution.
26. OAC Rule 3745-400-11(F) requires that, "[p]rior to acceptance by the facility, debris shall be readily identifiable as construction and demolition debris and shall not have been shredded, pulverized, or otherwise rendered to the extent that the debris is unidentifiable. The owner or operator shall dispose of only construction and demolition debris, except as specified in this rule."
27. OAC Rule 3745-400-11(F)(3) provides that "[t]he owner or operator of a facility shall not dispose of any solid wastes[.]"
28. Pursuant to OAC Rule 3745-400-11(F)(4), as effective July 1, 2018, "[t]he owner or operator shall deposit incoming loads of debris at a designated unloading zone where the debris shall be inspected and prohibited wastes shall be removed,

- unless the owner or operator has received approval of and has implemented a pre-acceptance debris screening program at the facility.”
29. OAC Rule 3745-400-11(F)(4)(a), as effective July 1, 2018, states “[t]he owner or operator shall unload the debris in clearly designated and marked unloading zones separate from the working face. Unloading zones may be temporary and adjacent to the active working face. Upon inspection of the unloaded debris, the owner or operator shall remove prohibited materials prior to placing the debris on the working face. No prohibited materials are permitted to be disposed at the working face. The owner or operator shall remove any prohibited material found at the working face.”
 30. Pursuant to OAC Rule 3745-400-11(F)(4)(b), as effective July 1, 2018, “[t]he owner or operator shall clearly mark the limits of the unloading zone with at least two temporary markers.”
 31. OAC Rule 3745-400-11(F)(4)(c), as effective July 1, 2018, mandates that, “[o]nce prohibited materials are removed, the owner or operator shall spread and compact the debris on the working face. When debris is deposited on the working face, it shall be spread evenly over the working face and compacted to the smallest practical volume.”
 32. OAC Rule 3745-400-11(F)(4)(d), as effective July 1, 2018, prohibits cliffing and goes on to clarify that “cliffing is the formation of an edge or cliff by the placement of debris at the working face without compacting.”
 33. OAC Rule 3745-400-11(F)(6), as effective July 1, 2018, requires that the owner or operator “attempt to remove all solid wastes from the construction and demolition debris prior to disposal of construction and demolition debris on the working face of the facility as required under section 3714.021 of the Revised Code.”
 34. ORC Section 3714.021(B) states that “[t]he owner or operator of a construction and demolition debris facility that is licensed under this chapter shall attempt to remove all solid wastes from construction and demolition debris prior to the disposal of the construction and demolition debris on the working face of the facility.”
 35. On September 15, 2021, in response to the Verified Complaint, Ohio EPA DMWM inspectors conducted an inspection of the Facility and issued an NOV dated October 5, 2021.
 36. By letter dated November 2, 2021, Respondents responded to the October 5, 2021 NOV letter and identified the actions taken to address the alleged violations and to contest certain of the alleged violations.
 37. On December 3, 2021, an Ohio EPA DMWM inspector conducted an inspection of the Facility and observed alleged violations of OAC Rule 3745-400-11(B)(1), OAC Rule 3745-400-11(B)(9), OAC Rule 3745-400-11(F), OAC Rule 3745-400-

11(F)(3), OAC Rule 3745-400-11(F)(4), OAC Rule 3745-400-11(F)(4)(a), OAC Rule 3745-400-11(F)(4)(b), OAC Rule 3745-400-11(F)(4)(c), OAC Rule 3745-400-11(F)(6), and Order No. 14 of the 2016 Orders. While Ohio EPA did not issue an NOV, the findings are contained and resolved with these Orders.

38. On January 19, 2022, the Health Department conducted an inspection of the Facility and observed violations of OAC Rule 3745-400-11(B)(1) and OAC Rule 3745-400-11(F). These violations were documented in an NOV letter dated January 19, 2022.
39. LCR immediately shut down operations, and LCR responded to the January 19, 2022 NOV via email on January 20, 2022 and by letters dated January 21, 2022 and January 24, 2022. The letters outlined the actions LCR took to address the H₂S meters which had failed.
40. A Jerome Hydrogen Sulfide Analyzer ("Jerome meter") is a sensing device manufactured by Arizona Instruments, LLC that is used to monitor and quantify hydrogen sulfide ("H₂S") in the air. A Jerome meter is capable of detecting H₂S concentrations from 3 parts per billion (ppb) to 10 parts per million (ppm). Ohio EPA has positioned a stationary Jerome meter near the Facility to measure concentrations of hydrogen sulfide in the air at ten-minute increments. The monitor is located on a private residential property located north of the Facility.
41. Ohio EPA's review of data from the Jerome meters in and around the C&DD facility and of odor complaints revealed that on multiple occasions between January 18, 2020 and July 6, 2022 Respondents violated OAC Rule 3745-400-11(B)(16).
42. Ohio EPA notified Respondents of these violations via NOV letters dated February 19, 2020; March 24, 2020; November 27, 2020; December 11, 2020; February 3, 2021; December 27, 2021; January 24, 2022; and September 15, 2022. Respondents replied to each NOV letter with Respondents' detailed analysis comparing data from the Jerome meters and the negative correlation with odor complaints from the public. Respondents' responses also correlated several odor complaints with the period in which the new gas collection system was being installed.
43. On May 2, 2022 an Ohio EPA DMWM inspector conducted an unannounced inspection of the Facility and observed alleged violations of OAC Rule 3745-400-11(B)(1), OAC Rule 3745-400-11(B)(17), OAC Rule 3745-400-11(F), OAC Rule 3745-400-11(F)(3), OAC Rule 3745-400-11(F)(4), OAC Rule 3745-400-11(F)(4)(a), OAC Rule 3745-400-11(F)(6), and Order No. 14 of the 2016 Orders. While Ohio EPA did not issue an NOV, the findings are contained and resolved with these Orders.

Division of Surface Water ("DSW") Findings

44. OAC Rule 3745-33-02(A) states "[n]o person may discharge any pollutant or cause, permit or allow a discharge of any pollutant without applying for and obtaining an Ohio NPDES permit in accordance with the requirements of this chapter. Any person who holds a federal NPDES permit issued under Section 402 (a) of the act is not required to obtain an Ohio NPDES permit until its expiration date."
45. ORC Section 6111.04(A) 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 a valid, unexpired NPDES permit issued by the Director or if an application for renewal of such permit is pending.
46. On July 1, 2021, an NPDES permit, Permit 3IN00390*BD, was issued to Respondent LCR, which allows the discharge of process water, limited to treated ground water from the northwest spring, treated effluent underdrain water, and stormwater associated with industrial activity, free from any leachate and/or other process wastewaters. Treated process water discharges are limited to Outfalls 3IN00390011, 3IN00390008 (emergency basis only), and 3IN00390009 (emergency basis only). Remaining outfalls are limited to treated stormwater associated with industrial activity only.
47. On September 15, 2021, Ohio EPA DSW observed leachate from the rail unloading area discharging to Sedimentation Pond 4 and "waters of the state" from accumulated C&DD and municipal solid waste ("MSW") within the rail unloading area and between the unloading area and Respondent LCR's rail siding that discharge into the railroad track ballast and into the adjacent stream along the south side of the tracks. Accumulated materials on the rotary dumper unloading pad directed spray water in contact with MSW and C&DD materials to flow off the south boundary of the pad. This spray water was not intercepted by the leachate collection system, instead flowing into a ponded area west of the pad that overflows to Sedimentation Pond 4. These discharges were not covered by NPDES Permit 3IN00390*BD and were thus in violation of ORC Section 6111.04(A) and OAC Rule 3745-33-02(A). The discharge of leachate to Pond 4 is specifically prohibited by NPDES Permit 3IN00390*BD.
48. Currently, the leachate from the rail unloading area discharges to a storm water control structure (Pond/Trap #4), which has the potential to discharge to waters of the state. Discharging leachate to a storm water control structure or to waters of the state is a violation of Respondent LCR's NPDES individual industrial permit and ORC §§ 6111.04 and 6111.07.
49. Storm water ponds/traps have the potential to infiltrate into underlying groundwater beneath the Facility, which have the potential to discharge to various unnamed tributaries of Duck Creek. If the material is porous when the ponds and storm

water control structures are constructed, the ponds have the potential to infiltrate into ground water.

50. ORC Section 6111.45 states no municipal corporation, county, public institution, corporation, or officer or employee thereof or other person shall establish as proprietor, agent, employee, lessee, or tenant, any garbage disposal plant, shop, factory, mill, industrial establishment, process, trade, or business in the operation of which an industrial waste is produced, or make a change in or enlargement of a garbage disposal plant, shop, factory, mill, industrial establishment, process, trade, or business whereby an industrial waste is produced or materially increased or changed in character, or install works for the treatment or disposal of any such waste until the plans for the disposal of the waste have been submitted to and approved by the director of environmental protection.
51. OAC Rule 3745-42-02 states no person shall cause, permit, or allow the installation of a new disposal system or cause, permit, or allow the modification of a disposal system without first obtaining an individual permit to install, a general permit to install or plan approval in accordance with this chapter and all other applicable rules and laws.
52. Respondent notified Ohio EPA on May 13, 2022 that LCR had stopped using the tipper and related disposal system at the close of business on that date.
53. Modifications were made to Sedimentation Pond 4 without first obtaining a Permit to Install from the Director of Ohio EPA. Respondent LCR did not include the corrective action report as required by NPDES Permit 3IN00390*BD Part IV, Item D.4. The industrial wastewater (leachate) holding tank system for the rotary dumper loadout was installed without obtaining a Permit to Install ("PTI") from Ohio EPA. These modification and installation activities, conducted without first obtaining a PTI, constitute violations of ORC Section 6111.45 and OAC Rule 3745-42-02. LCR stopped using the dumper system and resolved that alleged violation.
54. ORC Section 6111.07(A) provides that "[n]o person shall violate or fail to perform any duty imposed by sections 6111.01 to 6111.08 or division (B) of section 6111.33 of the Revised Code or violate any order, rule, or term or condition of a permit issued or adopted by the director of environmental protection pursuant to those sections. Each day of violation is a separate offense."
55. NPDES Permit 3IN00390*BD, Part IV, Item C requires Respondent LCR to minimize exposure to use grading, berming, or curbing to prevent runoff of contaminated flows and divert run-on away from these areas; locate materials, equipment, and activities so that leaks are contained in existing containment and diversion systems, clean up spills and leaks promptly, and practice good housekeeping.
56. NPDES Permit 3IN00390*BD, Part IV, Item C requires Respondent LCR to stabilize exposed areas and contain runoff using structural and/or non-structural control measures to minimize onsite erosion and sedimentation and resulting

discharge of pollutants. This includes all material stockpiles (soils, aggregate, sand, etc.).

57. NPDES Permit 3IN00390*BD, Part 12 requires Respondent LCR to report noncompliance and describes how to report that noncompliance.
58. Respondent LCR has not reported noncompliance as required by Part III of the NPDES permit. During the six-year period from February 2015 to September 2021 there were 29 violations related to effluent limit exceedances and sampling requirements that were not reported in accordance with Part III, Item 12 of the NPDES permit.

These violations were documented in an NOV letter dated October 5, 2021. LCR provided a detailed response to the NOV letter on November 2, 2021, including descriptions of the specific actions it undertook to address the violations.

59. On December 3, 2021, Ohio EPA DSW staff re-inspected the Facility. During the inspection it was observed that Respondent LCR had cleaned out Sedimentation Pond 4 and significantly improved its BMPs for the railcar unloading area. Specifically, Respondent LCR was removing spilled materials on the north side of the tracks after each railcar was unloaded and cleaning up any spilled materials falling between the tracks at least once per shift and at the end of the day. However, C&DD and MSW continued to spill from the railcar unloading area, and leachate continued to be generated from dust suppression water at both the railcar unloading area and rotary dumper area. In addition, accumulated materials on the rotary dumper unloading pad were directing the spray water that was in contact with MSW and C&DD materials to flow off the south boundary of the pad. The spray water was not intercepted by the leachate collection system and instead flowed into a ponded area west of the pad that overflows to Sedimentation Pond 4.
60. On December 31, 2021, Respondent LCR submitted three PTI applications to Ohio EPA DSW, one for improvements to Sedimentation Pond 4 (PTI Application 1471885), one for improvements to Sediment Pond 6 (PTI application 1471888), and a third for the Rotary Dumper Leachate Holding Tanks (PTI Application 1471864). Ohio EPA reviewed and provided comments on PTI Application 1471864 on January 21, 2022. Ohio EPA reviewed and provided comments on PTI Applications 1471885 and 1471888 on January 6, 2023.
61. Since September 2021, Respondent LCR has implemented sediment and erosion BMPs to minimize onsite erosion from soil stockpiles, aggregate piles, slag stockpiles, and sand piles. As noted above, Respondent LCR has also significantly improved its BMPs for the railcar unloading area, removing spilled materials on the north side of the tracks after each railcar is unloaded, and cleaning up any spilled materials falling between the tracks at least once per shift and at the end of the day. Also, dust suppressant water from the rotary dumper appears to overflow the unloading pad to the railcar unloading area haul roads.

62. Respondent LCR's revised railcar BMPs are listed in "Report No. 177706-0117-005: Best Management Practices for Rail Car Off-Loading Pad for Lordstown Construction Recovery, LLC, 6205 Newton-Falls Bailey Road, Warren, Ohio" dated January 4, 2017, revised October 2021. Respondent LCR incorporated these BMPs into November 30, 2021 revisions of the SWPPP and has implemented them.
63. The BMPs employed in the rotary dumper load out area continue to allow dust suppressant water to mingle with spilled waste materials and flow to the southern edge of the paved pad instead of being collected by the rotary dumper unloading pad and directed to the leachate holding tanks.
64. NPDES Permit 3IN00390*BD, Part IV, Item F requires Respondent LCR to develop and maintain a Stormwater Pollution Prevention Plan ("SWPPP").

On November 30, 2021, Ohio EPA received a revised document titled "Report No. 202603-1121-212: Stormwater Pollution Prevention Plan for Lordstown Construction Recovery, 6205 Newton Falls-Bailey Road SW, Warren, Ohio". Ohio EPA reviewed the revisions and issued a comment letter to Respondent LCR on February 8, 2022. LCR had several discussions with Ohio EPA and responded in writing on August 1, 2022.

65. On May 2, 2022 an Ohio EPA DSW inspector conducted an unannounced inspection of the Facility and observed alleged violations of ORC Section 6111.04(A), ORC Section 6111.07(A), ORC Section 6111.45, OAC Rule 3745-33-02(A), and OAC Rule 3745-42-02. While Ohio EPA did not issue an NOV, the findings are contained and resolved with these Orders.

Division of Air Pollution Control ("DAPC") Findings

66. On December 20, 2013, Respondents LCR and LaFarge were issued a renewal permit to install and operate ("PTIO") P0110220 for the Facility (Ohio EPA facility ID 0278000777) pursuant to ORC Section 3704.03.
67. ORC Section 3704.05(A), states that "[n]o person shall cause, permit, or allow emission of an air contaminant in violation of any rule adopted by the director of environmental protection."
68. ORC Section 3704.05(C) prohibits any person who is a holder of a permit issued by the Director of Ohio EPA pursuant to ORC Section 3704.03 from violating any of its terms and conditions.
69. ORC Section 3704.05(G) states that "[n]o person shall violate any order, rule, or determination of the director issued, adopted, or made under this chapter."
70. OAC Rule 3745-15-07(A) provides that "[t]he emission or escape into the open air from any source or sources whatsoever, of smoke, ashes, dust, dirt, grime, acids, fumes, gases, vapors, or any other substances or combinations of substances, in

such manner or in such amounts as to endanger the health, safety or welfare of the public, or cause unreasonable injury or damage to property, is hereby found and declared to be a public nuisance. It shall be unlawful for any person to cause, permit or maintain any such public nuisance.”

71. OAC Rule 3745-15-07(B) states that “[t]he emission or escape into the open air from any source or sources of odors whatsoever that is subject to regulation under Chapter 3745-17, 3745-18, 3745-21, or 3745-31 of the Administrative Code and is operated in such a manner to emit such amounts of odor as to endanger the health, safety, or welfare of the public, or cause unreasonable injury or damage to property, is hereby found and declared to be a public nuisance. It shall be unlawful for any person to cause, permit or maintain any such public nuisance.” Emissions sources at the Facility are subject to regulation under OAC Chapters 3745-17 and 3745-31.
72. Respondents’ Facility’s hydrogen sulfide emissions, have periodically been measured at a level above the 20 ppb standard established in the 2016 Orders.
73. On September 15, 2021, Ohio EPA DAPC conducted an inspection at the Facility as a follow up to alleged violations identified in the Verified Complaint. During the inspection, Ohio EPA observed visible emissions from the construction and demolition debris handling operations at the working face, in violation of the terms and conditions of PTIO P0110220 and ORC Section 3704.05(C). By NOV letter dated October 5, 2021, Ohio EPA notified Respondent LCR of these violations. On November 2, 2021 LCR responded to the NOV and described the steps it had taken to address the alleged violation.
74. On December 3, 2021, Ohio EPA DAPC conducted a follow-up inspection and determined that Respondents LCR added two additional water trucks, for a total of four water trucks on-site, to help ensure adequate dust control at the Facility. At the time of the inspection, Ohio EPA conducted a Method 22 visible emission observation on Landfill Operations (F002) and observed 2 minutes and 12 seconds of visible emissions in a 1-hour observation period. This is below the Facility’s emissions limit of 3 minutes during any 60-minute period; therefore, resolving the violation referenced in Finding No. 73.
75. On June 10, 2021, SCS Engineers submitted a Landfill Gas Management Evaluation Report to Respondent LCR.
76. By letter dated November 10, 2021, Respondent LCR submitted a Director’s Exemption request pursuant to OAC Rule 3745-31-03(B)(3)(d) for an exemption from PTI/ PTIO requirements to install and operate a temporary flare at the Facility. The proposed temporary flare is to be utilized as an interim measure for modifying and enhancing the Facility’s gas collection and control system. The temporary flare will allow for the collection of better data to assist with sizing of a permanent blower/flare system and sulfur treatment system as the Facility currently exists and as the Facility expands.

77. By letter dated May 10, 2022, Ohio EPA approved the exemption request referenced in Finding No. 76 of these Orders with several conditions, one of which is to submit a complete PTI/PTIO application to modify the Construction and Demolition Debris Landfill operations (Ohio EPA emissions unit ID F002) to include the landfill gas collection system and temporary flare system within ninety (90) days from the approval of the exemption.
78. By letter dated August 18, 2022, Respondents submitted a request to modify the Director's Exemption referenced in Finding Nos. 76 and 77 of these Orders. By letter dated September 1, 2022, Ohio EPA approved the modification request.

V. ORDERS

Respondents shall achieve compliance with ORC Chapters 3704, 3714, and 6111 and the rules promulgated under those Chapters according to the following compliance schedule:

General Obligations

1. The November 23, 2016 Orders, including the Odor Control Compliance Plan incorporated therein, and the October 30, 2019 Orders remain unchanged and in full force and effect. If there is a conflict between these Orders and the 2016 Orders or the 2019 Orders, Respondents shall comply with each set of Orders. But, if compliance with these Orders and specific provisions of the 2019 or 2016 Orders is impossible, Respondents shall provide written notification to Ohio EPA concerning the irreconcilable conflict and shall continue to comply with these Orders and all nonconflicting provisions of the 2016 and 2019 Orders, unless and until otherwise instructed in writing by Ohio EPA. Nothing in these Orders shall be construed to abridge or modify the 2019 Orders or the 2016 Orders, or to amend the Odor Control Compliance Plan attached to the 2016 Orders.
2. Respondents shall continue its practice to ensure that there is an individual present at the Facility or reasonably available each day during disposal operations who has the authority to commit financial resources and has the decision-making authority to ensure compliance with all Director's orders and environmental regulations, including the authority to cease debris acceptance.

Division of Materials and Waste Management Orders

Landfill Operations

3. Respondents shall comply with ORC Chapter 3714 and OAC Chapter 3745-400. Nothing in these Orders shall be construed to exempt Respondents or the Facility from the obligation to comply with those requirements.
4. Beginning on the effective date of these Orders, Respondents shall implement and comply with the Operational Plan ("Plan") attached hereto as Exhibit A. Respondents shall continue to comply with the requirements in the Operational

Plan, including all revisions to the Plan made pursuant to Order No. 5, until otherwise authorized by the Director in writing.

5. Respondents may submit to Ohio EPA a written request to revise the Plan attached hereto as Exhibit A. Any such request shall be in writing and include a complete copy of the proposed revised Plan, identify each proposed change, and explain how implementation of the Plan as revised will protect public health, safety, and the environment, will not create a fire hazard, and will ensure the Facility is operated in compliance with ORC Chapter 3714, OAC Chapter 3745-400, the 2016 Orders, the 2019 Orders, and these Orders. Upon receipt of Ohio EPA's written concurrence with the revised Plan Respondents shall implement the revised Plan. If the Plan is revised pursuant to this Order, each reference to Plan herein shall be construed to mean the Plan as most recently revised in accordance with this Order.

Landfill Gas and Odor Management

6. Respondents shall ensure that H₂S emissions do not exceed 20 ppb at or beyond the Facility boundary.
7. At all times when subsurface activities are occurring at the Facility, including but not limited to drilling and excavation, Respondents shall employ methods necessary to mitigate odors, such as utilizing collars with vacuums and routing collected gas to the flare or other effective methods to mitigate the odors to achieve compliance with Order No. 6.
8. Respondents shall submit a third-party gas system evaluation report as described in the Plan, including a summary of the data reviewed, the evaluation performed, and a proposed plan for any necessary expansion or adjustment of the gas management system, designed to maximize the control of odors and capture gas from the C&DD Facility, to Ohio EPA during the month of September each year. If any necessary expansion or adjustment of the gas management system is proposed, upon Ohio EPA's concurrence with the expansion or adjustment, it shall be incorporated into the plan. Respondents shall implement the plan in accordance with a schedule agreed upon by Respondents and Ohio EPA. Nothing in this Order relieves Respondents of the obligation to obtain any permits or other authorizations that may be required for the activities in the plan.

Malfunction Notifications

9. Upon discovery, Respondents shall immediately notify Ohio EPA NEDO and the Health Department via both telephone and e-mail of any malfunction (gas management system, underdrain, Jerome meters, etc.), power outage, or event that may cause the migration of nuisance odors beyond the Facility boundary or impair the ability to monitor landfill gas. Respondents shall continue to provide periodic updates to Ohio EPA and the Health Department until the malfunction, outage, or event has been resolved. For planned activities that may cause the migration of nuisance odors beyond the Facility, Respondents shall provide notice to Ohio EPA and the Health Department not later than seventy-two (72) hours prior to commencing the activity.

Reporting

10. Respondents shall provide Ohio EPA NEDO and the Health Department with copies of all data, logs, monitoring, maintenance and other Facility records upon request, including but not limited to the following:
 - a. The daily flare burn data, including the number of hours the flare was burning. If at any time during the month the flare is not operational the report shall also explain why and what was done to correct the problem.
 - b. Odor surveillance records that include the date, time, and location of odor monitoring conducted in accordance with the Plan and Jerome meter calibration records.
 - c. The odor complaint log.
11. For the purposes of ORC Chapter 3714 and OAC Chapter 3745-400, the Control Technology required by these Orders shall be considered an engineered component of the Facility.

Division of Surface Water Orders

12. Not later than forty-five (45) days after the effective date of these Orders, Respondents shall submit, in accordance with Section XIII of these Orders, a plan for minimizing the creation of leachate at the rail unloading area by implementing best management practices (BMPs). If Respondents incorporate the use of a holding tank, collection pond, or treatment system as a BMP for the rail unloading area, Respondents shall submit a permit to install application in accordance with Section XIII of these Orders.
13. Respondents shall comply with all terms and conditions of the NPDES permit 3IN00390 for the Facility issued by the Director and all modifications and renewals thereof.
14. Not later than one hundred twenty (120) days after the effective date of these Orders, Respondents shall submit, in accordance with Section XIII of these Orders, one or more PTI applications or revised PTI applications, which shall include detailed plans, agency forms with schedules for construction, and any necessary technical specifications for the following facility collection or treatment systems Respondents intend or are required to install:
 - a. Appropriately sized sedimentation ponds and sedimentation traps for their drainage areas;
 - b. For all sediments ponds and sediment traps that Respondents fail to demonstrate do not infiltrate ground water and are not influenced by ground water entering ponds or streams, lining of the ponds and traps in accordance with the following. All sediment pond and sediment trap

designs may be addressed on a case-by-case basis.

- i. Synthetically lining all sedimentation ponds and sedimentation traps that are in direct contact with ground water that may result in contaminants either entering the sedimentation ponds sedimentation traps via ground water, or infiltrating storm water that could potentially have a direct impact on ground water quality or the underdrain or leachate pumping systems at the Facility;
 - ii. Lining sedimentation ponds and sedimentation traps with a soil-based liner system for those ponds that infiltrate ground water, but Respondents demonstrate do not directly impact ground water quality or the underdrain or leachate pumping systems at the facility. Alternatively, Respondents may elect to install a synthetic liner in lieu of a soil-based liner; and
 - iii. If at any time the Director determines that a sedimentation pond or sedimentation trap that is not lined with a synthetic liner is in direct contact with groundwater, or infiltrating storm water that could potentially have a direct impact on ground water quality or the underdrain or leachate pumping systems at the Facility, not later than sixty (60) days of notification from Ohio EPA, Respondents shall submit, in accordance with Section XIII of these Orders, either a PTI application for lining the pond or trap with a synthetic liner, or a demonstration with which the Director concurs that the pond or trap is not in direct contact with groundwater.
- C. A wastewater treatment system to treat prior to discharge to waters of the state the water or wastewater discharged from all outfalls at the Facility that contain leachate or leachate originating from any source and the underdrain water until it can be eliminated permanently.

Division of Air Pollution Control Orders

15. By July 31, 2023, Respondent LCR shall submit for Ohio EPA's approval a plan and schedule for the design, installation, and operation of a permanent air pollution control system.
16. Within thirty (30) days from Ohio EPA's approval, Respondent LCR shall submit a complete permit application for the permanent air pollution control system.
17. By June 1, 2024, the permanent air pollution control system shall be installed and operating. If unforeseen circumstances arise, Respondent LCR may request, for Ohio EPA's approval, an extension to the installation and operation date.
18. Until a permanent air pollution control system is installed and operating, Respondent LCR shall continue to operate the temporary flare system at the facility

and continue to submit the information and data required in the Director's Exemption letter issued on May 10, 2022 and modified on September 1, 2022.

19. Any temporary or permanent air pollution control system shall be operated in a manner to collect and control landfill gas to prevent an odor nuisance.

Civil Penalty Provisions

Division of Materials and Waste Management Civil Penalty

20. Respondents shall pay to Ohio EPA the amount of Seventeen Thousand dollars (\$17,000.00) in settlement of Ohio EPA's claim for civil penalties, which may be assessed pursuant to ORC Chapter 3714 in accordance with the following provisions: Not later than thirty (30) days after the effective date of these Orders, Respondents shall pay the amount of Seventeen Thousand dollars (\$17,000.00), which will be deposited into the environmental protection remediation fund established pursuant to ORC Section 3734.281. Payment to Ohio EPA shall be made by an official check made payable to "Treasurer, State of Ohio" for Seventeen Thousand dollars (\$17,000.00). The official check shall be submitted to:

Ohio Environmental Protection Agency
Office of Fiscal Administration
P.O. Box 1049
Columbus, Ohio 43216-1049

A photocopy of the check shall be sent to Ohio EPA's Northeast District Office in accordance with Section XIII of these Orders, and to the following address:

Ohio Environmental Protection Agency
Division of Materials and Waste Management
Brian Dearth, Supervisor Administrative Processing Unit
P.O. Box 1049
Columbus, Ohio 43216-1049

Division of Surface Water Civil Penalty

21. Respondents shall pay to Ohio EPA the amount of Eight Thousand dollars (\$8,000.00) in settlement of Ohio EPA's claims for civil penalties, which may be assessed pursuant to ORC Chapter 6111 in accordance with the following provisions: Not later than thirty (30) days after the effective date of these Orders, Respondents shall pay the amount of Eight Thousand dollars (\$8,000.00). Payment to Ohio EPA shall be made by an official check made payable to "Treasurer, State of Ohio" Eight Thousand dollars (\$8,000.00). The official check shall be submitted to Carol Butler, or her successor, together with a letter identifying Respondents, to:

Ohio Environmental Protection Agency
Office of Fiscal Administration
P.O. Box 1049
Columbus, Ohio 43216-1049

A photocopy of the check shall be sent to Ohio EPA's Northeast District Office in accordance with Section XIII of these Orders, and to the following address:

Ohio Environmental Protection Agency
Larry Reeder, Enforcement Manager
Division of Surface Water
P.O. Box 1049
Columbus, Ohio 43216-1049

VI. REVIEW OF SUBMITTALS

Ohio EPA may review any work plan, general plan, report, or other item required to be submitted pursuant to these Orders in accordance with this Section. Upon review, Ohio EPA may in its sole discretion: (a) approve the submission in whole or in part; (b) approve the submission upon specified conditions; (c) modify the submission; (d) disapprove the submission in whole or in part, notifying Respondents of deficiencies; or (e) any combination of the above. The results of Ohio EPA's review shall be in writing and provided to the Respondents.

In the event of approval as is, approval upon condition, or approval as modified of any submission by the Ohio EPA, Respondents shall proceed to take any action required by the submission as approved, conditionally approved, or approved as modified by Ohio EPA.

In the event that Ohio EPA initially disapproves a submission, in whole or in part, and notifies Respondents in writing of the deficiencies, Respondents shall within fourteen (14) days, or such longer period of time as specified by Ohio EPA in writing, correct the deficiencies, and submit the revised submission to Ohio EPA for approval. The revised submission shall incorporate all of the changes, additions, and/or deletions specified by Ohio EPA in its notice of disapproval. Revised submissions shall be accompanied by a letter indicating how and where each of Ohio EPA's comments were incorporated into the submission. Any other changes made to the submission by Respondents shall also be identified in the letter.

If Respondents fail to submit a revised submission incorporating all changes, additions, and/or deletions within fourteen (14) days, or such period of time as specified by Ohio EPA in writing, Respondents shall be considered in breach and/or violation of these Orders. If Respondents are in breach and/or violation of these Orders, Ohio EPA retains the right to terminate these Orders, perform any additional investigation, conduct any work to address conditions at the Facility, and/or enforce the terms of these Orders.

VII. ACCESS

Ohio EPA and the Health Department shall have access at all reasonable times, including during business hours, to the Facility and any other property to which access is required for the implementation of these Orders, to the extent access to the property is controlled by Respondents. Access under these Orders shall be for the purposes of conducting any activity related to these Orders including but not limited to the following:

- A. Monitoring the work;
- B. Sampling; taking photographs or video recordings; performing measurements, surveys, and other tests;
- C. Inspecting the Facility, including any engineered components and monitoring and control equipment;
- D. Inspecting and copying records, operating logs, odor complaint logs, contracts, and/or other documents related to the implementation of these Orders;
- E. Conducting investigations and tests related to the implementation of these Orders; and
- F. Verifying any data and/or other information submitted to Ohio EPA or the Health Department.

To the extent that the Facility or any other property to which access is required for the implementation of these Orders is owned or controlled by persons other than Respondents, Respondents shall use its best efforts to secure from such persons access for Respondents, Ohio EPA, and the Health Department as necessary to effectuate these Orders. Copies of all access agreements obtained by Respondents shall be provided to Ohio EPA. If any access required to implement these Orders is not obtained within thirty (30) days after the effective date of these Orders, or within thirty (30) days after the date Ohio EPA notifies Respondents in writing that additional access beyond that previously secured is necessary, Respondents shall promptly notify Ohio EPA in writing of the steps Respondents have taken to attempt to obtain access. Ohio EPA may, as it deems appropriate, assist Respondents in obtaining access.

Notwithstanding any provision of these Orders, the State of Ohio retains all of its access rights and authorities, including enforcement authorities related thereto, under any applicable statute or regulation.

VIII. SAMPLING AND DOCUMENT AVAILABILITY

Unless otherwise agreed to by Ohio EPA, Respondents shall notify Ohio EPA not less than fifteen (15) days in advance of all sample collection activity. Upon request, Respondents shall allow split and/or duplicate samples to be taken by Ohio EPA or its designated contractor. Ohio EPA shall also have the right to take any additional samples

it deems necessary. Upon request, Ohio EPA shall allow Respondents to take split and/or duplicate samples of any samples Ohio EPA takes as part of its oversight of Respondents' implementation of the work required by these Orders.

Ohio EPA may request copies of all documentation required by these Orders including, but not limited to, sampling, tests, or other data, including raw data and original laboratory reports, generated by or on behalf of Respondents with respect to the Facility. Not later than (7) days after Respondents' receipt of a request by Ohio EPA, Respondents shall provide Ohio EPA with a copy of the documentation requested to Ohio EPA. An electronic copy shall also be provided in a format approved by Ohio EPA. Respondents may submit to Ohio EPA any interpretive reports and written explanations concerning the raw data and original laboratory reports. Such interpretive reports and written explanations shall not be submitted in lieu of original laboratory reports and raw data. Should Respondents subsequently discover an error in any report or raw data, Respondents shall promptly notify Ohio EPA of such discovery and provide the correct information. Respondents shall retain all documentation generated as a result of these Orders for a period of at least thirty (30) years following the effective date of these Orders.

IX. 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 Chiefs of Ohio EPA's Divisions of Materials and Waste Management and Air Pollution Control 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 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 from Respondents: "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 each Respondent. For purposes of this provision, a responsible official is: (1) in the case of a corporation, a principal executive officer of at least the level of vice president or a duly authorized representative, if such representative is responsible for the overall operation of the facility and (2) in the case of a limited liability company, a manager, member, or other duly authorized representative of the limited liability company, if such representative is responsible for the overall operation of the facility.

X. 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, Respondents or the Facility.

XI. 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 or the Facility.

XII. 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.

XIII. NOTICE

All documents and information required by Order Nos. 12 through 14 shall be addressed to:

Ohio Environmental Protection Agency Northeast District Office
Division of Surface Water
Attn: DSW Enforcement Unit Supervisor
2110 E. Aurora Road Twinsburg, OH 44087

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

All documents and information submitted to Ohio EPA in accordance with Order Nos. 3 through 11 shall be submitted by Respondents by uploading the material to https://fileshare.epa.ohio.gov/filedrop/nedo_dmwm_submittals or to such persons and addresses as may hereafter be otherwise specified in writing by Ohio EPA.

All documents, notifications, updates, and information required by Order No. 10 shall be submitted by Respondents via email to all of the following, or to such persons and email addresses as may hereafter be otherwise specified in writing by Ohio EPA:

Lynn Sowers: Lynn.Sowers@epa.ohio.gov

Jennifer Carlin: Jennifer.Carlin@epa.ohio.gov

Stephen Bopple: stephen.bopple@epa.ohio.gov

All documents and information required by Order Nos. 15 through 19 shall be addressed to:

Ohio Environmental Protection Agency Northeast District Office
Division of Air Pollution Control
Attn: Tim Fischer, Manager

2110 E. Aurora Road Twinsburg, OH 44087

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

XIV. RESERVATION OF RIGHTS

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

XV. 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 the 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.

XVI. EFFECTIVE DATE

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

XVII. 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 these Orders 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.

IT IS SO ORDERED AND AGREED:

Ohio Environmental Protection Agency

Anne M Vogel

Anne M. Vogel
Director

IT IS SO AGREED:

SCOTT PLAUNDE GENERAL MANAGER
(Printed or Typed Name and Title)
Lordstown Construction Recovery, LLC

Scott Ploude
Signature

6/13/23
Date

Jan Johnston - Chief Financial Officer
(Printed or Typed Name and Title)
Holcim-ACM Management Inc.

[Signature]
Signature

6/15/2023
Date

Operational Plan

Lordstown Construction Recovery, LLC
6205 Newton Falls Bailey Road SW, Warren, Ohio 44481

Lordstown Construction Recovery, LLC (LCR or facility) operates a construction & demolition debris (C&DD) landfill located in the Village of Lordstown, Trumbull County, Ohio. The facility operates under Ohio Administrative Code 3745-400. This plan details LCR's operations and procedures. The terms used in this plan have the same meaning as defined in OAC Rule 3745-400-01.

1. Waste Generation & Customers

C&DD is handled and inspected multiple times before arriving at LCR. A general outline of the waste generation process is as follows:

- A building is demolished and C&DD is generated at a demolition site. C&DD may also be generated at a construction site.
- The C&DD is loaded into trucks or dumpsters and transferred to a regulated/permitted waste transfer station.
- The waste is deposited on the tipping floor of the transfer station where the waste is spread and pushed by a loader and manually or mechanically sorted.
 - Recyclable materials are separated and removed.
 - Solid wastes are separated and removed.
 - No mechanical shredding or pulverizing is conducted at the transfer stations.
- The remaining C&DD that cannot be recycled is loaded into a railcar or into an on-road truck destined for a landfill, such as LCR.

1.1. Customer Agreements & Inspections

LCR customers operating in the northeast United States, including Connecticut, New York, New Jersey, and Massachusetts, are licensed C&DD transfer facilities regulated at the State level.

LCR salespersons visit the northeast area transfer stations and observe the material and operations prior to accepting a new customer to ensure the material meets the standards for C&DD established by Ohio EPA and to inform the potential new customer of LCR's policies regarding waste acceptance. A LCR salespersons visit existing customer's transfer stations typically quarterly.

All customers are provided a flier listing all materials that are both acceptable and prohibited at LCR, consistent with the Ohio Administrative Code. Additionally, a Materials Disposal Agreement developed in early 2022 is a more detailed document outlining the terms and conditions for engaging with LCR. All customers are provided a copy of the Agreement and LCR staff are familiar with the rejection practices from the Agreement. All railcars are accompanied by a C&DD Shipping Manifest. The flier, Materials Disposal Agreement, and the C&DD Shipping Manifest outline the type of debris that is acceptable and prohibited at LCR. Customers are educated regarding acceptable C&DD per Ohio regulations. New customers may be asked for a test railcar to determine if the waste is acceptable.

Exhibit A

2. Waste Receipt Process & Inspections

The following two subsections describe the process for unloading C&DD which is received at the facility via (1) railcar or (2) on-road trucks.

2.1. Railcar Off-loading

Railcars destined for LCR are loaded at regulated/permited waste transfer stations along the east coast. The trip from the east coast to LCR can take approximately seven to ten days. Once the loaded railcars reach LCR, the material is handled and inspected again by LCR staff as follows:

- Railcars are unloaded via material handlers/grapples. The cab of the current handlers/grapples used at LCR are elevated so that the operator can inspect the material before and during removal from the railcar.
 - Railcars can be fully or partially rejected. The rejection process is described further in Section 4.
- The material is off-loaded directly from the railcars to off-road haul trucks.
 - Larger prohibited materials that are observed by the operators of the handlers/grapples are removed by the operators prior to the C&DD being placed in the off-road haul trucks. The prohibited materials are moved into a dumpster for proper disposal.
- The off-road haul trucks then transport the debris to the unloading zone which is further discussed in Section 3.

To address the minor spillage that occurs during the unloading process so that it does not create a nuisance or adverse impact on the environment, LCR maintains a procedure for routine cleaning of the rail off-loading area. This document, titled "*Best Management Practices & Goodhousekeeping Procedures for Debris Off-Loading Activities*" was first developed in January 2017, and updated in October 2021 and May 2022. Cleaning is completed by a dedicated crew and is conducted throughout the day and at the end of each day once off-loading is complete to ensure there is no accumulation of waste in the rail off-loading area overnight or for any extended period of time. A daily inspection following clean up at the end of each working day is completed by a LCR supervisor or an authorized trained employee to verify adequate waste removal from the railcar off-loading area.

2.2. On-road Truck Off-loading

On-road trucks destined for LCR are loaded at locally regulated/permited waste transfer stations along the east coast or are loaded directly at local (within approximately 50 miles) demolition sites. Once the loaded on-road trucks reach LCR, the material is handled and inspected again by LCR staff as follows:

- On-road trucks are weighed at a scale which is equipped with a camera. Trucks are required to remove the tarp on their loads prior to entering the scale so that the scale master can view the C&DD material inside each truck via the camera and can reject the load if warranted. Additionally, if the material inside the truck is questioned, the scale master notifies LCR Management and the pickers that a thorough inspection is needed at the unloading zone. This precaution is taken so that rejected material can be re-loaded into the on-road truck prior to the truck leaving the facility, if necessary.
 - The rejection process is described further in Section 4.

- The on-road trucks then unload the debris at a designated on-road truck unloading zone that is currently separate from the working face. On-road trucks are not permitted to enter the active landfill area for safety reasons.
- While at the on-road truck unloading zone, pickers sort through, inspect, and remove prohibited materials.
- Prohibited materials are manually removed and temporarily staged near the on-road truck unloading zone. A crew uses a smaller loader dedicated to hauling prohibited materials from the on-road truck unloading zone to the solid waste dumpsters throughout the day.
- The C&DD is then loaded into off-road haul trucks and transported to the unloading zone that is adjacent to the working face which is described further in Section 3. All waste materials are hauled from the on-road truck off-loading area to the unloading zone prior to the end of each working day. No materials are staged in the on-road truck off-loading unloading zone overnight or for extended periods.

3. Operations at the Unloading Zone & Working Face

As waste is hauled from either the railcar off-loading area to the unloading zone or from the on-road truck off-loading area to the unloading zone, pickers are always present at the unloading zone and working face during unloading to inspect loads and promptly remove prohibited waste. Operators do not unload their off-road haul trucks until pickers are present and wait to begin pushing the material into the working face until the pickers have completed removal of prohibited materials. Additional pickers are allocated as needed based on the volume of C&DD being off-loaded.

Four markers, as required by the Ohio Administrative Code, designate the unloading zone. After material is unloaded between these markers, heavy equipment spreads the waste in a manner as to not compact, pulverize, or otherwise render the material unidentifiable and ensures prohibited materials are retrievable. The unloaded material is then examined and any remaining prohibited materials are removed as follows:

- Prohibited materials (e.g., municipal solid waste) are manually removed prior to the material being moved from the unloading zone to the working face (i.e., prior to final disposal in the working face).
- While at the unloading zone, the material is spread by heavy equipment while pickers sort through, inspect, and remove prohibited materials.
- Prohibited materials are manually removed and temporarily staged near the unloading zone. A crew uses a smaller loader dedicated to hauling prohibited materials from the unloading zone & working face to the solid waste dumpsters throughout the day. The dumpster is routinely hauled off site and taken to a facility that accepts solid waste.
- Any remaining prohibited materials that are observed once the C&DD is pushed into the working face are manually removed by pickers. Again, the prohibited materials are temporarily staged adjacent to the working face until a crew moves the prohibited material into the solid waste dumpster.

The location of the unloading zone can change throughout a working day as C&DD placement progresses. The Ohio EPA's C&DD Facility Daily Log of Operations - Form 3: Record of Prohibited Material Accepted and Removed by Facility is completed by LCR staff. The unloading zone is the final opportunity to fully or partially reject a load, if necessary, before the waste is pushed into the working face. The rejection process is outlined in Section 4.

Even compaction of waste along the working face occurs in two to three foot lifts by a waste compactor, which is a commonly accepted practice, to help ensure the smallest practical volume is achieved. By maintaining these small lifts, cliffing is prevented. Operators are trained to maintain the working face with a slope that is walkable by LCR staff.

4. Waste Rejection Process

As described above, waste is observed, inspected, and sorted multiple times prior to arriving at LCR and prior to being accepted in the working face. Loads that are identified to contain unidentifiable or prohibited materials can either be fully or partially rejected. Rejecting a load can occur anytime between when the waste first enters the property up to and including when the load is at the unloading zone. To help avoid the receipt and acceptance of unidentifiable materials at LCR, customers are required to sign off on C&DD Shipping Manifests which state that only readily identifiable C&DD is acceptable at LCR. The manifest for each load of waste includes the question "Will the debris be unprocessed or processed/ shredded?". When a customer indicates that the waste is processed/shredded, the load is rejected.

Additionally, when a load is received at the facility but observed by LCR staff as not readily identifiable as C&DD or containing excess prohibited materials, LCR staff follow the following Waste Rejection Flow Process:

- 1) LCR staff promptly report the load via radio to LCR Management.
- 2) LCR Management visually inspects the load and makes the final determination whether the load should be partially or fully rejected. If the load is partially or fully rejected, pictures are taken of the material in the rejected load, and a Discovery of Prohibited Material Supplement Report Form is completed by LCR Management.
- 3) Prohibited materials that have been rejected are reloaded back into the on-road truck or railcar which is returned to the customer for proper handling/disposal.
- 4) The customer is notified that the material is unacceptable and that the rejected load is being returned. LCR salespersons discuss the reason for rejection and review the rejection photos to help educate customers on what is acceptable at LCR.
- 5) The on-road truck or railcar rejection is also documented on Ohio EPA's Daily Log of Operations - Form 2: Record of Disposal Activities.
- 6) A copy of the Discovery of Prohibited Material Supplemental Report is returned with the load to the customer.

An extra handling fee may be charged to customers for unacceptable material that is required to be removed from the load and placed in a dumpster to help deter customers from sending unacceptable materials. If a load is partially rejected, LCR may charge a customer for half of the cost to dispose of the acceptable C&DD in the landfill, the extra handling fee, and the cost to return the half loaded car of unacceptable material to the customer.

A railcar load that contained all identifiable and acceptable C&DD, but appears to contain fines at the bottom of the railcar is typically deemed acceptable since the fines would have settled to

the bottom of the car from the C&DD above during the seven to ten day trip of the railcar from the east coast.

5. Daily Cover Application

At the end of each day, the working face and unloading zone at LCR are covered with a minimum of six inches of soil cover per the 2016 Director's Final Findings & Orders (DFFOs) - Odor Control Compliance Plan:

"...at the working face, LCR shall apply each day the Facility is open a daily cover consisting of a soil layer, a minimum of six inches thick,...at the end of the working day, but in no event shall debris be exposed for more than twenty-four hours after placement at the working face"

The cover is placed on the waste at the end of each day to ensure that no waste is exposed. An inspection following placement of daily cover is completed by a LCR supervisor or an authorized trained employee to verify an adequate soil layer of six inches is applied and no waste is exposed. Newly covered areas are inspected by staff daily to ensure that inclement weather events have not exposed any waste material.

6. Hydrogen Sulfide Monitoring

LCR employs practices to control gas and routinely monitors hydrogen sulfide gas at the LCR facility to prevent any emissions above 20 PPB from leaving the LCR property lines. Sources of hydrogen sulfide gas that are equal to or exceed 20 PPB are addressed. Monitoring at LCR in order to prevent and address the breakout of hydrogen sulfide gas including:

- Daily checks of the landfill gas extraction system by gas technicians which includes checking the flares and piping
- Routine (approximately weekly) checks of the landfill gas extraction system and maintenance, if needed, by a third party consultant
- Monthly hydrogen sulfide scans of the entire landfill surface and weekly follow up scans at nodes measuring greater than 20 PPB
- Routinely identifying potential sources of hydrogen sulfide ("sniff tests") and applying soil material to the landfill surfaces to help address breakouts
- Regularly applying Organisol to breakout areas to help eliminate the release of hydrogen sulfide
- Monitoring the facility boundaries with four stationary hydrogen sulfide meters and daily evaluation of the previous days readings
 - The facility has backup hydrogen sulfide stationary meters which are kept onsite for when a meter needs to be sent to the manufacturer for routine maintenance. In the event that a stationary meter is not operational, a contingency plan has been put in place:
 - Conduct hydrogen readings at the location with handheld meters at a frequency of twice a day, once in the morning and once in the afternoon.
 - When readings are determined to be in excess of the facility's limits, LCR follows normal protocols and brings in the gas technicians to determine where elevated readings are originating. Organisol is applied and spots are covered, as feasible.

- Handheld readings occur at each location where there is not a stationary meter present, until such time the stationary meter is returned and powered on.
- Monitoring the facility boundaries, neighboring areas, and internal locations with handheld hydrogen sulfide meters two times per day, minimum, and more when elevated concentrations are detected on the stationary hydrogen sulfide meters

Additionally, LCR staff evaluate operational and weather conditions, and make changes to operations as needed, up to and including shutting down operations to help maintain environmental compliance.

A crew which includes two gas technicians, two heavy equipment (dozer, loader, haul truck) operators, and supervisors are on call 24 hours a day, 7 days a week. When prolonged and elevated concentrations are detected on the stationary hydrogen sulfide meters and/or a complaint is received, the crew can be promptly deployed to evaluate the situation. The crew applies Organisol and/or cover material to identified sources of hydrogen sulfide.

6.1. Hydrogen Sulfide Levels reaching or exceeding 60 PPB

When LCR receives a high telemetry level of 60 PPB or greater the following steps will be completed:

- 1) Notify the Ohio EPA that a high level was detected and that LCR has dispatched staff to investigate the incident. Notification shall include the anticipated findings information timeframe to the agency.
- 2) Conduct hydrogen sulfide monitoring at the Kovac property, the S curve, and along Newton Falls Bailey Road. Readings shall be done using a Jerome handheld hydrogen sulfide monitor in ambient air.
- 3) Download onsite Jerome monitoring raw data for 2-3 hours prior to and up to the alert time.
- 4) Inspect the blower and flare system for proper operation including if the flare is burning. Any issues should be corrected immediately. Problems that can't be fixed immediately will be communicated to the agency with a corrective action plan.
- 5) Inspect the landfill surface and the above ground components for gas releases. Any surface breakthroughs or component issues will be corrected immediately. If a release can't be repaired immediately it will be communicated to the agency with a corrective action plan.
- 6) All information will be communicated to the agency as specified in the notification timeframe. If there are unexpected delays, LCR will provide the agency with updates and the anticipated completion time to complete all the items required. The report will not be complete until all items have been addressed.

6.2. Odor Surveillance and Complaint Response

LCR will maintain an odor complaint hotline managed by a third-party that will provide real-time notification to LCR, the health district, and Ohio EPA.

When a complaint is received, the third-party will request the following information:

- Name & address of complainant
- Call back number
- Location of the odor
- Time/date the odor was detected
- Intensity of the odor on a scale of 1 to 10
- Whether a call back is required

Upon receipt of a complaint, LCR will typically conduct the following:

- Dispatch a gas tech to the location of the complaint to conduct hydrogen sulfide monitoring at/near the location of the complaint. Readings shall be done using a Jerome handheld hydrogen sulfide monitor in ambient air.
- Review hydrogen sulfide data from LCR's four Jerome stationary hydrogen sulfide monitors for the 2-3 hours prior to and up to the complaint time.
- Should elevated hydrogen sulfide readings be detected, inspect the landfill surface and the above ground components for gas releases. Any surface breakthroughs or component issues will be corrected immediately. If a release can't be repaired immediately it will be communicated to the agency with a corrective action plan.
- If a call back is requested by the complainant, LCR Management will initiate the call back.
- Memorialize the complaint, findings, and mitigation efforts into an odor complaint log maintained by LCR staff.

7. Gas Collection System Upgrade

LCR has been working with SCS Engineers to design and permit a more robust landfill gas collection and treatment system. On November 10, 2021 LCR submitted a Director's Exemption request. After discussion with the Ohio EPA on December 6, 2021, the Ohio EPA requested air dispersion modeling, which LCR provided to Ohio EPA on December 21, 2021. Ohio EPA reviewed and accepted the modeling results, and LCR/SCS Engineers emailed the final air dispersion modeling results on January 17, 2022. Ohio EPA and LCR/SCS Engineers corresponded between January 26, 2022 and February 3, 2022 regarding draft conditions for the Director's Exemption. The final Director's Exemption was granted on May 10, 2022. Construction of the gas collection system began the week of May 30, 2022. The system began 24-hour operation on August 16, 2022.

The new gas system will be evaluated at least annually by a third party contractor to ensure it is meeting design performance. LCR will submit the third-party evaluation report to Ohio EPA by September 30th of each year. The report will include a recommendation to maintain the existing system or expand the system such that gas collection is optimized for the landfill's developed footprint. LCR will review recommendations and determine when modifications and or expansion of the system is needed.

Future expansion of the landfill gas collection system will be required as the landfill expands within their current permitted footprint. The system will operate for the lifetime of the facility and throughout the post-closure period, as needed.

8. Leachate Handling Program

Leachate generated in the landfill is collected and treated both on and offsite. Leachate is directed to four sumps. From the sumps, leachate is pumped to two, 20,000 gallon onsite leachate collection tanks where Organisol is added prior to discharge to the sanitary sewer to maintain sulfide levels in the effluent. LCR maintains an Industrial Waste Discharge Permit issued by the City of Warren Water Pollution Control Department. The sanitary sewer conveys leachate to a wastewater treatment plant operated by the City of Warren Water Pollution Control Department. Routine inspections and monitoring of the onsite leachate handling system is performed as follows:

- Daily inspection of the pump panels which show the level of leachate in each sump and if the pumps are pumping. The Organisol pumps are also inspected to ensure Organisol is being properly dosed.
- Weekly inspection of the Organisol barrels. Empty, or near empty barrels are replaced, as needed.
- Monthly inspection of the operation of all pump panels to ensure proper function and operation.
- The City of Warren Water Pollution Control Department conducts quarterly samples of the leachate from a sanitary sewer manhole located onsite.
- LCR conducts quarterly sampling of the leachate with analytical testing by a third party laboratory per the facility's Industrial Waste Discharge Permit. Qualitative and quantitative results are reported quarterly to the City of Warren Water Pollution Control Department.
- A third party contractor conducts annual maintenance checks of all leachate pumps. Pump repairs and/or replacement is conducted as needed.