



Division of Materials and Waste Management Response to Comments

Sunny Farms Landfill Permit to Install Lateral Expansion PTI Application Number 676460

Agency Contacts for this Project

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The Ohio Environmental Protection Agency (Ohio EPA) issued a draft permit to install (PTI) on March 5, 2012 for a non-contiguous lateral expansion of the Sunny Farms Landfill, located in Seneca County. Ohio EPA held a combined public information session and public hearing to accept written and oral comments regarding the draft PTI on May 9, 2012. The public comment period ended on May 16, 2012. Due to an administrative error, proper public notice of the May 9, 2012 hearing was not provided in one of the required newspapers. Consequently, a second combined public information session and public hearing was held on December 11, 2012. The public comment period associated with the December 11, 2012 hearing ended on December 14, 2012.

Ohio EPA reviewed and considered all comments received during the public hearings and public comment periods. By law, Ohio EPA has authority to consider specific issues related to protection of the environment and public health. Often, public concerns fall outside the scope of that authority. For example, concerns about zoning issues are addressed at the local level. Ohio EPA may respond to those concerns in this document by identifying another government agency with more direct authority over the issue.

In an effort to help you review this document, the questions are grouped by topic and organized in a consistent format.

Comment 1: Landfill Odors

The odor from the landfill is horrible and can be smelled in and around Fostoria. It does not appear that the odor has been controlled or contained. Our quality of life has diminished due to the odors. The smell is bad enough to keep you inside and ruin any family outdoor event or party. The smell was worse after the latest cap was installed. I was told they were going to put in another burner (flare). What we need is action to take care of the odor.

Response 1:

Ohio EPA sent an additional notice of deficiency (NOD) to the owner/operator on August 2, 2012 (e-mailed on June 21, 2012) with additional comments regarding reducing the odors emanating from the facility. In response to this NOD:

- The owner/operator designed additional engineering controls and measures to reduce the possibility of future odors and included the gas collection and control plan in the permit application.
- The amount of uncapped area, which contributes to the uncontrolled release of odors, was reduced from 75 to 66 acres at any time during the life of the landfill.
- The leachate collection manholes were designed to be connected to the gas collection and control system.

Ohio EPA issued Director's Final Findings and Orders (DFF&Os) on January 23, 2013 that address control of noxious gas emissions for the remaining portions of the existing unit. The items addressed in the DFF&Os include: installation of an additional utility flare, re-evaluation of the gas extraction system, evaluation of the gas vacuum at each well, design of a contingency odor control blanket, commencement of surface emissions monitoring, commencement of an odor monitoring system, installation of a continuous meteorological station, installation of enhanced cover, setting up an odor complaint hotline, installation of gas extraction components by January 2014, and installation of all cap components by January 2015. A copy of the January 23, 2013 DFF&Os is available through Ohio EPA's electronic document system on our webpage: <http://epa.ohio.gov/dir/publicrecords.aspx>. Search for "Sunny Farms Landfill."

Ohio EPA has also added several permit conditions to the final permit consistent with the January 23, 2013 DFF&Os and to address potential odors in the lateral expansion unit.

Odor is one of the operational issues addressed in Ohio Administrative Code (OAC) Rule 3745-27-19. The operational items must be addressed every day by every municipal solid waste facility. If these operational issues are not addressed, violations can be cited and enforcement action can be undertaken in order to resolve the situation. Ohio EPA and the Seneca County Health Department will continue to inspect the facility to oversee compliance with these operational rules. Under our current operating guidelines, if we detect odors outside the facility boundary that are objectionable and persistent, and the landfill is not performing any authorized activities that are known to generate odors (i.e. installing gas wells), then the facility will be cited for a violation of OAC Rule 3745-27-19(B)(3).

Comment 2: **Pollutant runoff contaminating Wolf Creek**

There was a concern about the amount of runoff getting into Wolf Creek and impact on flooding. There is also a concern about pollutants in the water run-off. There is also a concern that the amount of runoff water that's supposed to be going to the Portage is going to be coming to Wolf Creek. We have enough problems in Wolf Creek right now, we don't need any more water from the other watershed coming into our tributary and going into the Sandusky River.

Response 2: Any water that comes into contact with, or emanates from, waste is leachate. Ohio EPA requires that all leachate be managed as wastewater (collected and shipped off site for treatment). Any water that is in contact with areas of the landfill covered by clean soil is considered stormwater. Ohio EPA rules require all stormwater runoff from the landfill to be directed to sedimentation ponds via the ditches and runoff control structures. Sediment is collected in the sedimentation ponds and removed at a frequency so that the required water storage volume of the sedimentation pond is maintained. The sedimentation ponds are designed to hold at least the water volume from a 10 year, 24 hour storm event. The drainage between the East Branch Portage River and Wolf Creek is approximately the same as it was prior to landfill development. Approximately 47 percent of

the lateral expansion area drains to Sedimentation Pond #4 which discharges to the East Branch Portage River and 53 percent of the lateral expansion area drains to Sedimentation Pond #2 which discharges to Wolf Creek. The quality of the surface water that will discharge from the ponds is regulated by Ohio EPA's Division of Surface Water through a National Pollutant Discharge Elimination System (NPDES) Permit.

Comment 3: Water supply contamination

Does the EPA take water samples from nearby residents' wells? If so, then how are the individuals chosen? The neighbors are concerned about the quality of their well water for now and future generations. The contamination of groundwater is a concern and will reduce the value of their life and livelihood by not being able to drink the water.

Response 3: Facility operators perform ground water detection monitoring to determine whether there has been any release from the landfill to the ground water. The ground water detection monitoring program consists of a sufficient number of wells, installed at different depths, to detect if contamination is released from the landfill to the ground water. The number, spacing, and depths of the ground water monitoring wells are based on information gathered from hydrogeologic investigations. The monitoring wells are installed at the closest practical location to the limits of waste placement in order to detect any potential release of contamination from the landfill as quickly as possible. The water collected from the monitoring wells is tested for various substances to determine if any release to ground water has occurred. If any substance is confirmed to have been released, then the facility operator is required to perform assessment monitoring. Assessment monitoring requires additional, more extensive monitoring to determine the source of contamination and the rate of movement, extent, and concentration of any contamination that may be present. Once assessment activities are completed, a release from the landfill confirmed, and the rate, extent, and concentration of contamination defined, the facility operator enters the corrective measures program, where they would clean up the contamination to standards that are protective of human health and the environment.

In addition to the required ground water monitoring, Ohio EPA engineers review all landfill designs to ensure that the facility meets stringent siting requirements, including setbacks from private and public water supply wells, and vertical isolation from any aquifer system that may exist beneath the facility. In addition to siting restrictions, the facility design must incorporate engineered components that enhance the protection provided by the siting criteria. The landfill design requires tested and proven design elements to guard against any release to ground water, including a composite liner system comprised of recompacted clay soil and a thick, high density polyethylene (HDPE) liner, and a leachate collection layer with collection pipes to collect and remove leachate. The facility is required to have a 15-foot minimum separation distance between the uppermost aquifer system and the bottom of the recompacted clay liner. This site exceeds the minimum requirement.

Ohio EPA does not typically take water samples from residential wells. Though not required by state regulations, a water quality sampling program for residential wells near Sunny Farms Landfill does exist. Water sampling by the Seneca County General Health Department is done quarterly in March, June, September, and December. The sampling is done based on an agreement between the owner/operator of the landfill and the Ottawa, Sandusky, Seneca Joint Solid Waste Management District. The cost of the testing is paid for by the owner/operator of the landfill. Samples are taken to Heidelberg University's Water Quality Lab. The samples are analyzed for:

March	June	September	December
Nutrients	Nutrients	Nutrients	Nutrients
Metals	Metals	Metals	Metals
	VOC's		

The sampling area was originally set up to be within 2 miles of the landfill in Seneca County. Nine private water wells are sampled and a drainage ditch, on Sunny Farms' property, northeast of Phase 1. Neighbors should contact the Seneca County General Health Department to be considered to be added to the monitoring list.

Comment 4: Waste sitting in Railroad Car (odors, blowing trash, contamination, etc)

There was a concern about rain water leaching through the waste and the leaking of leachate into the local watershed along the railroad tracks. The railcars also produce odors as they sit on the tracks throughout town for multiple days. There is also a concern that waste is blowing out of the railcars. There was a comment that rats were exiting the railcars.

Response 4: Ohio EPA does not have the authority to regulate odors, leachate, rats, or waste blowing from the railcars within the scope of a municipal solid waste landfill permit review. Ohio EPA can only regulate odors, leachate, vermin, and blowing waste that originate from the solid waste landfill facility.

Comment 5: Capacity of Wastewater treatment plant to handle increased leachate

What about the impact on our waste water plant here in Fostoria. It was said that the monitoring retention pond and the scum off the top is presently being pumped into the force main leading into Fostoria down St. Rt. 23. By having an expansion doubling the height of this mountain, is the waste water treatment plant ready for additional volume that needs to be treated?

Response 5: There is no leachate monitoring retention pond at the facility. All leachate is currently pumped via sewer force main and treated at the City of Fostoria Waste Water Treatment Plant.

The daily limit of leachate that the City of Fostoria can accept from the landfill via sewer line is 40,000 gallons. Additional leachate can be trucked to the City of Fostoria Waste Water Treatment Plant. Sunny Farms Landfill, Inc. also has agreements with the City of Tiffin and the City of Findlay to accept leachate if Fostoria cannot handle the amount of leachate necessary. For perspective, the average daily leachate volume disposed in 2011 was 12,371 gallons. The storage capacity of the three on-site storage tanks is 197,000 gallons.

Comment 6: Will Wetlands be affected

There was also talk about the wetland beside the proposed cell, and that by doubling the height of the landfill will likely affect the wetland. There used to be a huge woods to the west of that place, they ripped it down. Now they're going to want to tear up this farm ground. In 12 years they're going to want to tear the woods out again.

Response 6:

The applicant has requested an exemption from the requirement prohibiting the limits of solid waste placement from being located within 200 feet of surface waters. Specifically, the applicant wishes to preserve some wetlands outside of the limits of disturbance but within 200 feet of the limits of waste. The applicant has agreed to assess the wetlands prior to disturbance to determine baseline conditions. The wetlands will be monitored annually during construction and operation to ensure that the wetlands are not negatively impacted by landfill construction and operation.

The applicant also proposes to reroute an existing stream that runs through the property. Parts of the meanders of the rerouted stream will be within 200 feet of the limits of waste placement. Authorizations pursuant to Sections 401 and 404 of the Clean Water Act have been issued for the proposed stream rerouting.

The applicant chose to preserve a large portion of the existing wetlands; therefore, a large portion of the existing woods was preserved where the wetlands are located.

Comment 7: Public informed about the public hearing

I am writing today after getting an e-mail that there is a meeting that no one was informed about, and I still do not know if the meeting is tonight or tomorrow night, where the meeting is or even what time it is. Now it is terribly upsetting to see at the last minute that a meeting is being held, without anyone in the public knowing about it, to expand this and further destroy people's environment and quality of life forever.

Response 7: For the first combined public information session and public hearing, Ohio EPA placed the required public notice in the Attica Hub and Fostoria Review Times newspapers. The notice was placed in the Attica Hub on March 15, 2012, and the Fostoria Review Times on March 8, 2012. Due to an administrative error, the notice did not appear in the Tiffin Advertiser-Tribune.

Consequently, Ohio EPA scheduled and held a second combined public information session and public hearing. For the second public meeting, Ohio EPA placed the public notice in the Tiffin Advertiser-Tribune, the Attica Hub, and the Fostoria Review Times newspapers. The notice was placed in the Tiffin Advertiser-Tribune on November 3, 2012, the Attica Hub on November 8, 2012, and the Fostoria Review Times on November 2, 2012.

Comment 8: **Property Values and Surrounding Roads**

There is a concern about property value depreciating because of the landfill and increased traffic and mud on the roads.

Response 8: Ohio EPA does not have the authority to consider land values, increased traffic, or muddy roads within the scope of a municipal solid waste landfill permit review. Concerns related to property values and traffic are local land-use issues addressed by zoning and other municipal or township authorities. The tracking of mud onto a road way is a safety issue that can best be addressed by local or state public safety authorities such as the sheriff or Ohio State Highway Patrol.

Comment 9: **Acceptance of Out of State Waste and Out of State Recycling Rates**

It is not fair to get trash from another state – take care of Ohio! The volume of garbage from other states being shipped to Sunny Farms Landfill is excessive. Is there a proposal for the states that are shipping their garbage to Sunny Farms to cut down their waste, such as recycling?

Response 9: Due to the Commerce Clause of the U.S. Constitution, the amount of out-of-state waste accepted at a facility cannot be regulated. It is impossible to enforce Ohio recycling laws in

other states. Ohio EPA can only ensure that the facility installs programs that prevent hazardous and unauthorized wastes from being disposed at the facility.

Comment 10: Health Assessments of Nearby Residents

Has the EPA or any other agency done health assessments on nearby residents or domestic and farm animals? If so, how many of those residents/animals have health concerns which could be directly correlated to the air quality and residents' well water?

- **Do our residents/animals have more incidents with cancer or death?**
- **Are there more residents who have breathing problems as the result of the landfill's close proximity? First and foremost, the health safety of the residents and I am told that there are no health concerns to the public, but do people realize that the lack of health concerns today may manifest years later? Then what?**

No one can seem to figure out why the cancer rate is so high. It makes me think of the areas of Ohio that have been identified as "Cancer Clusters". As a health care professional it is extremely worrisome to think of how we are being affected by this pollution from Sunny Farms.

Response 10: Ohio EPA has implemented rules in accordance with state laws which are protective of human health and the environment.

Comment 11: Size of Phase 8

The initial phase of the expansion will be 30 acres. The phase will be divided into three cells, 8A 17 acres, 8B 10 acres, and 8C 3 acres. The size of Phase 7, the last cell in the existing landfill, is 9 acres. The construction of Phase 7 was completed in May 2011. The cell was used for local truck waste from May 2011 thru March 2012. As of April 4, 2012, the floor has not been completely covered, allowing water to pond at the base of the cell.

The lack of fill offers an additional avenue for noxious odors to escape from the landfill.

The size of Phase 8 should be reduced to a size in which the select waste layer can be completed in a reasonable period of time.

Response 11: Ohio EPA issued a notice of deficiency on August 2, 2012 regarding the size of phases and sub-phases proposed in the permit application. The owner/operator has revised the permit application to reduce the size of Phase 8A to 16 acres and Phase 11A to 13 acres. The average size of phases on the east side is 13.1 acres. The floor area of Phase 8A needs to be relatively large since it does not overlie previously placed waste.

Comment 12: **Multiple Working Faces**

Sunny Farms was approved for multiple working faces as a safety issue. Currently, the landfill utilizes three working faces. Even though the combined size of the working faces is limited, it may contribute to the odor issues.

Response 12: The landfill typically utilizes two working faces. The only exception is when they place select waste in a new phase of the landfill. It appears that most of the odor issues experienced by the neighbors of the facility are related to hydrogen sulfide. The odors of the working faces do not seem to produce the off-site persistent and objectionable odors that have been cited as violations. The facility is required to continue ensuring that multiple working faces are confined to the smallest space possible in accordance with OAC Rule 3745-27-19.

Comment 13: **Capping and Phasing**

The PTI requires the existing unit to be completely capped except for Phase 7. Phase 7 is required to be capped prior to filling Phase 9A. This time period is too generous based on the numerous odor complaints we have received. We request that the deadline for completing the capping of the existing landfill to be shortened to six months after filling begins in Phase 8.

Response 13: Ohio EPA issued DFF&Os on January 23, 2013 that address capping and gas extraction installation for the remaining portions of the existing unit. Order Number 18 states:

Not later than January 1, 2014, Respondent shall install all gas extraction wells at the Facility as approved in PTI # 03-6324, and shall construct the final cap on not less than 14 acres of the Facility. Not later than January 1, 2015, Respondent shall construct final cap on the remaining areas of the Facility where waste has been placed as authorized in PTI #03-6324.

Comment 14: **Plan for controlling explosive atmosphere in nearby structures**

In other parts of the state, there are a couple of reports about methane explosions inside the basements of residential houses.

Response 14: The facility has an explosive gas monitoring network to monitor and ensure that gases do not move underground and become an explosive hazard off site.

Comment 15: **Mining of the Waste in the future**

**Who knows what will happen 10, 20 years from now?
What's it going to look like 100 years from now?**

The other thing is, is that nothing was mentioned about future mining. All right, if you really studied the industry, in the waste industry there is going to be generations in the future that will open up these landfills and start mining them for the raw materials. All right, whatever we're dumping today sooner or later will be pulled back out and reused. All right, at no time has anything been addressed that I have seen as far as opening that back up to be able to contain the wastewaters or the contaminations once it is opened up for future mining. All right, and I really believe that we have to look a lot farther than just a 10 year allotment for an open landfill.

Response 15: Ohio EPA can only review the permit application based on the current rules. There is no way to foresee future requirements.

Comment 16: **Rates In-State versus Out-of-State**

Why does the stuff coming from New York get charged the same rate as we pay? It's in our backyard; we should be charging out-of-state the full rate.

Response 16: Landfills charge a service fee (or tipping fee) on refuse disposal at their facility. They also collect and remit state and local fees as required by Ohio law. The state and local fees for out-of-state waste must be the same as the in-district waste due to Ohio law (see Ohio Revised Code Section 3734.57) and the Commerce Clause of the U.S. Constitution. Landfills in Ohio are allowed to charge whatever service fee or tipping fee they feel is appropriate for their business on a customer by customer basis.

Comment 17: **Trash when Landfill fills up**

What are we going to do when it eventually fills up? Where will we take our trash?

Response 17: Solid Waste Management Districts, such as the Ottawa, Sandusky, Seneca Joint Solid Waste Management District, must plan for future waste disposal capacity. Ohio EPA reviews solid waste management plans and works with the solid waste management districts to ensure waste disposal options for the future.

Comment 18: **Roads**

They just repaved my road probably a year and a half ago and it's already starting to deteriorate. The landfill doesn't pay for any of that. That's going to be the next thing; they're going to close Road 108.

Response 18: Ohio EPA only regulates the landfill facility. Ohio EPA cannot take into consideration whether local roads are damaged in this permit application review. Landfill owners are required to collect and remit fees. A host community fee could be assessed and used to fund road construction projects near the landfill in the host community.

Comment 19: **Hours**

In the wintertime they operate longer hours during the nighttime hours, I can hear them. The noise pollution from my house, I can hear their trucks unloading and loading way into the night.

Response 19: Sunny Farms Landfill is licensed to operate from 5 a.m. to 11 p.m. They are not licensed to operate later than 11p.m. The railroad does deliver railcars at the railroad's convenience, which may be early in the morning.

Comment 20: **Compliance**

What if the permit is not followed by the owner/operator of the facility? If little things are not followed by the owner/operator, how can we trust that the big things will be followed?

Response 20: The owner/operator is required to conduct all operations in strict compliance with applicable authorizing documents and the operating license as required by OAC Rule 3745-27-19(B)(1) and (2). If a landfill owner/operator fails to conduct operation of the landfill in accordance with the rules and all applicable authorizing documents, violations can be cited and enforcement action can be taken in order to resolve the violations.

Comment 21: **Rail Spur**

The EPA should hold the landfill responsible for building their own railroad spurs (rail yard) to park these freight cars full of trash, garbage, and waste on landfill property

Response 21: Ohio EPA cannot force the owner/operator of the facility or the rail company that delivers the rail cars to build a railroad spur. Ohio EPA only regulates the landfill facility in accordance with our authority granted under Ohio law.

Comment 22: **Financial Difficulties**

What if the landfill encounters financial difficulties or gets sold to some other operation?

Response 22: Financial assurance is required to be established prior to waste acceptance at a facility or in newly authorized areas of

an existing facility. It is established by the owner/operator at a financial institution and all original documents are kept at Ohio EPA's office. Once established, only the Director of Ohio EPA can authorize the termination of the financial assurance or authorize the reduction of the amount assured. If the owner/operator has financial difficulty, the financial assurance may not be used for business operations. The sole purpose of financial assurance is to be available should an owner/operator fail to complete closure or post-closure care activities or walk away from their closure/post-closure care obligations.

The amount maintained in financial assurance is based on a closure and post-closure care cost estimate that is reviewed by the Ohio EPA engineer assigned to the project. Once financial assurance is in place, it is maintained until all of the closure and post-closure care requirements have been completed. Each year, the owner or operator must review the costs for closure and post-closure care to make sure they are still accurate, adjust the cost estimate to address any new obligations placed on the owner/operator. Then, the owner/operator is required to adjust the amount of the financial assurance instrument to account for any increased costs and to account for inflation.

If the landfill is sold to a new owner, all liability under the landfill's license and permit would be transferred to the new owner. The new owner would have the same obligations for maintaining financial assurance.

Comment 23: **Piping**

That piping for the methane gas that gets run through the ground, is that designed to support all that weight from metal, out of state trash, as bull dozers are coming up and big dump trucks, will that piping crack?

Response 23: Any piping placed within the landfill is designed to resist crushing and cracking. The design calculations are performed by a licensed professional engineer and then reviewed by Ohio EPA prior to permit approval. Piping is placed within gravel bedding throughout the landfill.

Comment 24: **Recycling Center**

Instead of investing in another landfill, why not a recycle center?

Response 24: Under current Ohio law, Ohio EPA cannot consider the need for new or additional landfill space when reviewing a permit application.

Solid Waste Management Districts, such as the Ottawa, Sandusky, Seneca Joint Solid Waste Management District, must plan for future waste disposal capacity and recycling. Ohio EPA reviews solid waste management plans and works with the solid waste management districts to ensure waste disposal and recycling options for the future are maintained in accordance with Ohio laws and regulations.

Comment 25: **Voting**

Will there be any voting on this expansion?

Response 25: Ohio EPA staff review the permit application based on its ability to meet the technical requirements of the applicable rules. Once the review is complete, a recommendation for approval or denial is made to the Ohio EPA Director. The recommendation is routed through the appropriate management chain and the Director makes a final decision on whether to issue or deny a permit application.

Comment 26: **Landfill is Already Built**

It seems to me this is a moot point to have the EPA's permission to do it because they've already built it.

Response 26: The owner/operator has not constructed any engineering components of the proposed lateral expansion of the landfill. The owner/operator currently borrows soil from the area that is proposed for use as the lateral expansion.

Comment 27: **Limit Odor-producing Waste**

If anybody knows what's causing this, why are we even allowing what it is to go in the landfill?

Response 27: Sunny Farms LLC is a licensed Municipal Solid Waste Landfill. As such, the facility can accept any "solid waste",

as that term is defined in OAC Rule 3745-27-01(S)(24) or “construction and demolition debris” as that term is defined in OAC Rule 3745-400-01(F). Ohio EPA cannot limit which wastes are accepted at the landfill as long as the waste meets the definition of solid waste or construction and demolition debris and is not prohibited from being accepted. Sunny Farms LLC is obligated to comply with all applicable regulations, including OAC Rule 3745-27-19(B)(3) and (5) regarding operating the facility so that it does not create a nuisance or health hazard.

End of Response to Comments