ATTACHMENT A

RUMPKE BROWN COUNTY LANDFILL AND SCRAP TIRE FACILITY OPERATIONS TRAINING WORKSHOP

PURPOSE:

This outline is intended to be used as a guide to provide personnel employed by Rumpke Waste, Inc. at the Rumpke Brown County Landfill and Scrap Tire Facility, who are engaged in operational aspects of the Landfill and Scrap Tire Facility, with a working knowledge of the current rules for operation of a municipal solid waste disposal facility currently authorized by the Ohio EPA.

Attendees of this training workshop will receive both classroom and field instruction. For supervisory personnel, a minimum of sixteen (16) hours is anticipated to complete this training workshop. For non-supervisory personnel, a minimum of eight (8) hours is anticipated to complete this workshop. For non-supervisory personnel, the training workshop outlined below will be tailored to their applicable needs and/or job duties. Completion of this training workshop shall be noted in each individual's company personnel file.

TRAINING PROGRAM OUTLINE:

I. Regulations.

A. Provide a review of the current solid waste definitions as used in Ohio Administrative Code Chapters 3745-27, 3745-37, and 3745-65.

1. Discuss solid waste definitions, including:

b. a. Hazardous Waste Infectious Waste
b. Solid Waste and Municipal Solid Waste
d. Leachate
e. General Phasing
f. Ground Water Aquifer System
g. Authorized Maximum Daily Waste Receipts (AMDWR)
h. Water Pollution
i. Waters of the State
j. Surface Water
k. Salvaging
l. Limits of Waste Placement

m. Vertical Expansion
n. Working Face
o. Lower Explosive Limit (LEL)
p. Scrap Tires .

2. Discuss other types of wastes, including:

a. Clean Hard Fill
b. Woody wastes/trees and brush/yard waste
c. Asbestos Materials
d. Petroleum Contaminated Soils
e. Fly Ash/Foundry Sands
f. Railroad Ties and Utility Poles
g. Construction and Demolition Debris
h. Residual Waste
i. Industrial Waste
j. Prohibited Wastes

B. Operating requirements under OAC Rules 3745-27-19, 3745-27-60 and 3745-27-65

1. Overview of Operational Regulations

2. Daily Inspections and Maintaining Daily Logs

3. Scattered Litter Control

4. Leachate Management

5. Surface Water Management

6. All Applicable Authorizing Documents (including permits, registrations, licenses, approved alterations, Director's Findings and Orders, etc.)

7. Noise and Dust Control

8. Maintenance of Engineered Components

9. Daily and Intermediate Cover (including alternate daily cover if approved)

10. Transitional Cover

11. Final Cover

II. Records

A. Provide an overview of the Facility's recordkeeping requirements

1. Location of daily logs (completed and blank)

2. Location of Authorizing Documents

a. Permit To Install
b. Applicable Exemptions
c. Daily Log Summary Sheets
d. Explosive Gas Monitoring Plan
e. Operating License
f. Approved Plan Drawings
g. Ground Water Detection Monitoring Plan
h. NPDES Permit
i. Air Pollution Control Permits

3. Location of a current and complete set of operational rules in OAC Chapters 3745-27 and 3745-37

4. Location of any applicable scrap tire shipping papers

III. Facility Requirements.

A. Provide guidance and describe procedures to be utilized by personnel responsible for day-to-day management.

1. Explain Facility's waste screening program of the incoming load inspections

2. Discussion of Waste Placement

a. Horizontal
b. Vertical
c. Phasing

3. Operation of Working Face

a. Direction
b. Construction Sequence
c. Compaction and Sloping of Working Face
d. Cliffing Prohibition
e. Placement of Daily Cover
f. Using Alternative Daily Cover
g. Removing Previous Day's Cover

4. Surface Water Management

a. Proper Grading Techniques
b. Diversion Channels/Berms
c. Erosion Control
d. Storm Water Pollution Prevention Plan
e. NPDES Permit

5. Phasing

6. Inclement Weather Operations

7. Fugitive Dust

a. Review Air Permit Conditions
b. Road Maintenance

8. Groundwater Monitoring Under Facility's Ground Water Detection Monitoring Plan

a. Sampling and Testing Procedures
b. Testing Frequencies
c. Well Construction/Maintenance

9. Explosive gas monitoring per facility's explosive gas monitoring plan

c. Sampling and Testing Procedures
d. Testing Frequencies
e. Well Construction/Maintenance
f. Contingency Plan
g. Air Pollution Control Permits

10. Fire Control

    a. Rumpke's Current Policies

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter Of:

Rumpke Waste, Inc.	:	Director's Final Findings
Rumpke Brown County Sanitary Landfill	:	and Orders
9427 Beyers Road	:	
Georgetown, OH 45121	:	

Respondent

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to Rumpke Waste, Inc. ("Respondent") pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("ORC") Sections 3734.13, 6111.03 and 3745.01.

II. PARTIES BOUND

These Orders shall apply to and be binding upon Respondent and its successors in interest who are liable under Ohio law. No change in ownership of the Respondent or of its Landfill or Scrap Tire Facility (as hereinafter defined) shall in any way alter Respondent's obligations under these Orders.

III. DEFINITIONS

Unless otherwise stated, all terms used in these Orders and in Attachment A shall have the same meaning as defined in ORC Chapters 3734 and 6111 and the rules promulgated thereunder.

IV. FINDINGS

The Director of Ohio EPA has determined the following findings:

Division of Solid and Infectious Waste Management Findings:

1. Respondent is the owner and operator, as those terms are defined in Ohio Administrative Code ("OAC") Rule 3745-27-01, of the Rumpke Brown County Sanitary Landfill Facility ("Landfill"), 9427 Beyers Road, Georgetown, Brown County, Ohio. The Respondent is also the owner and operator of the Rumpke Brown County Scrap Tire Collection Facility ("Scrap Tire Facility") at the same location.

2. The Landfill is a sanitary landfill facility as that term is defined by OAC Rule 3745-27-01(S)(4). The Scrap Tire Facility is a scrap tire collection facility as that term is defined by OAC Rule 3745-27-01(S)(7).

3. The Respondent was issued a Permit-to-Install No. 05-4179 ("PTI"), on August 24, 1993, for a vertical and lateral expansion of the Landfill.

4. In July of 2003, Ohio EPA became aware of significant permit violations at the Landfill. In particular, Ohio EPA discovered that:

   a. a major storm water run-on/run-off ditch known as "Channel B" was not constructed in accordance with the PTI. This channel is 3/4 of a mile long and is designed to be approximately 14 feet wide at its genesis and widen to 40 feet as it terminates into the sedimentation pond. The PTI required this structure to be completed by December 24, 1993. In October 2003, Respondent initiated construction of Channel B and completed construction of Channel B on November 5, 2003.

   b. a storm water run-on/run-off ditch known as "Channel A" was not constructed in accordance with the PTI.

   c. the culvert and catch basin in the northwest corner of Phase I of the Landfill, which brings the Channel A discharge to the stilling basin in the sedimentation pond was not built in accordance with the PTI. Instead, a rip-rap flume was constructed, which was not authorized under the PTI.

   d. the catch basin under the access road in the northwest corner of the Landfill near the leachate collection tank area was not constructed in accordance with the PTI.

   e. the "Roadway Ditch" was not constructed in accordance with the PTI. Instead, a rip-rap flume was constructed, which was not authorized under the PTI.

f. the " West Side Perimeter Ditch" was not constructed in accordance with the PTI.

g. the "South Side Dual Ditches" were not constructed, as required by the PTI.

h. Respondent violated its PTI by undertaking alterations to the PTI without concurrence from Ohio EPA [construction of rock flume and access road bench/ditch combination]

Respondent allowed an unpermitted stormwater discharge from two on-site berms in the borrow area into White Oak Creek, which is designated under Ohio's water quality standards as an "Exceptional Warmwater Habitat." While Respondent submitted NPDES applications for its sedimentation pond in 1990, 1993 and 1996, and most recently on October 30, 2003, and December 29, 2003, the applications were not complete until the December 2003 application submittal. A Notice of Intent application for coverage under the State's General Stormwater Discharge Permit for the borrow area was submitted to Ohio EPA in July 1996.

5. On July 18, 2003, Ohio EPA conducted an inspection of the Landfill and observed the following violations:

a. OAC Rule 3745-27-19(F)[1] for failure to provide adequate daily cover.

b. ORC Section 3734.11(A) for violating a rule under the statute, OAC Rule 3745-27-19(B)(1)(sic)[1] [Correct citation was 3745-27-19(B)] and ORC 3734.11(B) for violating the conditions of its operating license, and OAC Rule 3745-27-19(B)(2)(sic)[1] [Correct citation was 3745-27-19(C)] for violating conditions of its PTI. These violations were documented in a Notice of Violation (NOV) letter from Ohio EPA to Respondent dated August 8, 2003 for which a written response was requested within 14 days. By letter dated August 21, 2003, Respondent responded to Ohio EPA's August 8, 2003 NOV letter indicating steps it would take to address the ongoing violations.

6. On August 5, 2003, Ohio EPA conducted an inspection of the Landfill and the Scrap Tire Facility, and observed the following violations:

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[1]Effective March 1, 1996

a. OAC Rule 3745-27-19(B)(2)(sic)[1] [This provision is not effective until 8/15/03, but requirement is set forth in 3745-27-19(C)] for failure to comply with the PTI, including conditions Nos. 10 and 12, for:
   i. sedimentation pond construction in accordance with plan drawing 7E.
   ii. south perimeter ditch construction.
   iii. Channel B construction.
   iv. sediment discharge control.
b. OAC Rule 3745-27-19(E)(1)(c)(sic)[1] for failure to maintain the integrity of the engineered components of the Landfill. [This provision not effective until 8/15/03, but the requirement is set forth in 3745-27-19(E)(26)].
c. OAC Rule 3745-27-19(E)(11)(b)[1] for failure to inspect and maintain surface water control structures.
d. OAC Rule 3745-27-19(F)[1] for failure to apply adequate daily cover.
e. OAC Rule 3745-27-19(G)(4)[1] for failure to protect intermediate cover from erosion.
f. OAC Rule 3745-27-19(G)(2)[1] for failure to provide adequate intermediate cover.
g. OAC Rule 3745-27-19(J)(1)[1] for failure to provide for surface water diversion.
h. OAC Rule 3745-27-19(E)(7)(a)(sic)[1] for failure to comply with all applicable requirements for discharges to surface waters and management of surface water runoff. [This provision not effective until 8/15/03].
i. OAC Rule 3745-27-65(B)[2] for failure to comply with a permit or registration.
j. OAC Rule 3745-27-65(H)[2] for failure to adequately control mosquitoes at the Scrap Tire Facility.
k. OAC Rule 3745-27-65(D)(4)[2] for failure to store scrap tires properly.
l. OAC Rule 3745-400-04(D)[3] for failure to properly dispose of construction and demolition debris.
m. ORC Section 3734.11(A) for violating the rules adopted under this statute.
n. ORC Section 3734.11(B), OAC Rule 3745-27-19(B)(1)(sic)[1] and OAC Rule 3745-27-19(B)(2)[1] (sic) for violating the terms of its license and permit. [This provision not effective until 8/15/03, but these requirements are set forth in 3745-27-19(B)(C)].

These violations were documented in a "Notice of Violation" ("NOV") letter from Ohio EPA to Respondent, dated August 12, 2003, for which a written response

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[2]Effective March 29, 2002

[3]Effective August 31, 2002

was requested within 14 days. By letter dated August 27, 2003, Respondent responded to Ohio EPA's August 12, 2003 NOV letter and indicated the steps it would take or had taken to address the noted violations.

7. On August 12, 2003, Ohio EPA met with Respondent to discuss surface water management issues at the Landfill.

8. On September 12, 2003, Ohio EPA again met with Respondent to discuss surface water management issues at the Landfill.

9. By letter dated September 19, 2003, Respondent outlined its plans for addressing surface water management issues at the Landfill.

10. On September 23, 2003, Ohio EPA conducted an inspection of the Landfill and the Scrap Tire Facility and observed the following violations:

    a. OAC Rule 3745-27-19(B)(2)[4] for failure to comply with the PTI, including conditions Nos. 10 and 12, for:
        i. sedimentation pond construction in accordance with plan drawing 7E.
        ii. south perimeter ditch construction.
        iii. Channel B construction.
        iv. sediment discharge control.
    b. OAC Rule 3745-27-19(E)(7)(a)[4] for failure to comply with all applicable requirements for discharges to surface waters and management of surface water runoff.
    c. OAC Rule 3745-27-19(E)(1)(c)[4] for failure to maintain the integrity of the engineered components of the Landfill.
    d. OAC Rule 3745-27-19(E)(11)(b)[4] for failure to inspect and maintain surface water control structures.
    e. OAC Rule 3745-27-19(J)(1)[4] for failure to provide for surface water diversion.
    f. OAC Rule 3745-27-19(G)(2)[4] for failure to provide adequate intermediate cover.
    g. OAC Rule 3745-27-19(E)(10)(a)[4] for failure to adequately maintain Landfill daily logs.
    h. OAC Rule 3745-27-65(B)[2] for failure to comply with a permit, registration or license.
    i. OAC Rule 3745-27-65(C)(10)[2] for failure to maintain appropriate signage.
    j. OAC Rule 3745-27-65(J)(1)[2] for failure to comply with the scrap tire shipping paper system.

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[4]Effective August 15, 2003

k. OAC Rule 3745-27-65(J)(2)[2] for failure to maintain adequate daily logs for the Scrap Tire Facility.
l. ORC Section 3734.11(A) for violating the rules adopted under this statute.
m. ORC Section 3734.11(B), OAC Rule 3745-27-19(B)(1)[4] and OAC Rule 3745-27-19(B)(2)[4] for violating the terms of its license and permit.

These violations were documented in a NOV letter from Ohio EPA to Respondent, dated October 14, 2003, which requested a written response within 21 days. By letter dated October 29, 2003, Respondent responded to Ohio EPA's October 14, 2003 NOV and indicated the corrective measures it would or had taken to address the noted violations.

11. On October 3, 2003, Ohio EPA conducted a partial inspection of the Landfill and the Scrap Tire Facility and observed the following violations:

a. OAC Rule 3745-27-19(B)(2)[4] for failure to comply with the PTI, including conditions Nos. 10 and 12, for:
   i. sedimentation pond construction in accordance with plan drawing 7E.
   ii. south perimeter ditch construction.
   iii. Channel B construction.
   iv. sediment discharge control.
b. OAC Rule 3745-27-19(E)(1)(c)[4] for failure to maintain the integrity of the engineered components of the Landfill.
c. OAC Rule 3745-27-19(E)(11)(b)[4] for failure to inspect and maintain surface water control structures.
d. OAC Rule 3745-27-19(F)[4] for failure to apply adequate daily cover.
e. OAC Rule 3745-27-19(G)(2)[4] for failure to provide adequate intermediate cover.
f. OAC Rule 3745-27-19(J)(1)[4] for failure to provide for surface water diversion.
g. OAC Rule 3745-27-19(E)(7)(a)[4] for failure to comply with all applicable requirements for discharges to surface waters and management of surface water runoff.
h. OAC Rule 3745-27-19(K)(1)[4] for failure to take adequate measures to control or contain leachate.
i. ORC Section 3734.11(A) for violating the rules adopted under this statute.
j. ORC Section 3734.11(B), OAC Rule 3745-27-19(B)(1)[4] and OAC Rule 3745-27-19(B)(2)[4] for violating the terms of its license and permit.

These violations were documented in a NOV letter from Ohio EPA to Respondent, dated October 17, 2003, which requested a written response within 21 days. In a letter dated November 7, 2003, Respondent responded to Ohio EPA's October 17, 2003 NOV indicating the corrective measures it would or had taken to address the noted violations.

12. On October 10, 2003, Ohio EPA conducted a partial inspection of the Landfill and observed the following violations:

    a. OAC Rule 3745-27-19(B)(2)[4] for failure to comply with the PTI by failing to construct the facility in accordance with the plans and drawings regarding:
        i. the culvert and catch basin in the northwest corner of Phase I, which brings the Channel A discharge down to the stilling basin in the sedimentation pond, as specified on plan drawings 4D and 7D of the PTI.
        ii. the catch basin under the access road in the northwest corner of the Landfill near the leachate collection tank, as specified on plan drawing 4D of the PTI.
        iii. Channel A was not constructed according to the approved plan drawings. This missing construction detail has led to excessive erosion of the cap system on the west side of Phase I.
    b. ORC Section 3734.11(B) for violating Condition No. 10(b) of the PTI for failure to inspect and maintain surface water control structures.
    c. OAC Rule 3745-27-19(E)(11)(b)[4] for failure to inspect and maintain surface water control structures.
    d. OAC Rule 3745-27-19(E)(1)(c)[4] for failure to maintain the integrity of the engineered components of the Landfill.
    e. OAC Rule 3745-27-19(J)(1)[4] for failure to provide for surface water diversion.
    f. ORC Section 6111.04 for discharge of sediments from the sedimentation pond and two other unpermitted discharge points into unnamed tributaries of White Oak Creek.
    g. OAC Rule 3745-27-19(B)(5)[4] for operating the Landfill in such a manner that its operation caused water pollution pursuant to ORC Chapter 6111.
    h. ORC Section 3734.11(A) for violating the rules adopted under this statute.
    i. ORC Section 3734.11(B), OAC Rule 3745-27-19(B)(1)[4] and OAC Rule 3745-27-19(B)(2)[4] for violating the terms of its license and permit.

    These violations were documented in a NOV letter from Ohio EPA to Respondent, dated October 16, 2003, which requested a written response within 14 days. In a letter dated November 7, 2003, Respondent responded to Ohio EPA's October 16, 2003 NOV indicating the corrective measures it would or had taken to address the noted violations.

13. On October 17, 2003, Ohio EPA conducted a partial inspection of the Landfill and the Scrap Tire Facility and observed the following violations:

    a. OAC Rule 3745-27-19(B)(2)[4] for failure to comply with the PTI by failing to construct the Landfill in accordance with the plans and drawings, as well as construction of engineering components without prior approval of Ohio EPA regarding:

i. A rock flume letdown was built instead of the culvert and catch basin in the northwest corner of Phase I, as specified on plan drawings 4D and 7D of the PTI, which brings the Channel A discharge down to the stilling basin in the sedimentation pond.
ii. The Channel A on Phase I was built as a bench/access road and not as an access road with a designed ditch adjoining as specified on plan drawing 4D of the PTI.

b. OAC Rules 3745-27-19(B)(2)[4] and 3745-27-19(B)(6)(c)[4] (sic) for failure to comply with the Sampling and Analysis Plan for surface water sampling. [Correct citation was OAC Rule 3745-27-19(B)(6)(a)].
c. OAC Rule 3745-27-09(C)[4] for failure to ensure that the operating record at the Landfill was available on-site with facility plan drawings that are complete and accurate.
d. OAC Rule 3745-27-19(E)(12)[4] for failure to ensure that a copy of the PTI and detail plans were available at the Landfill.
e. ORC Section 6111.04 for discharge of sediments from the sedimentation pond and two other unpermitted discharge points into unnamed tributaries of White Oak Creek.
f. OAC Rule 3745-27-19(B)(5)[4] for operating the Landfill in such a manner that its operation caused water pollution pursuant to ORC Chapter 6111.
g. OAC Rule 3745-27-65(I)(1)(a)[4] for failure to maintain a fire extinguisher at the Scrap Tire Facility.
h. ORC Section 3734.11(A) for violating the rules adopted under this statute.
i. ORC Section 3734.11(B), OAC Rule 3745-27-19(B)(1)[4] and OAC Rule 3745-27-19(B)(2)[4] for violating the terms of its license and permit.

These violations were documented in a NOV letter from Ohio EPA to Respondent, dated October 29, 2003, which requested a written response within 30 days. In a letter dated November 7, 2003, Respondent responded to Ohio EPA's October 29, 2003 NOV and indicated the corrective measures it would or has taken to address the noted violations.

14. On November 20, 2003, Ohio EPA conducted a partial inspection of the Landfill and the Scrap Tire Facility and observed the following violations:

a. OAC Rule 3745-27-19(B)(2)[4] for failure to comply with the PTI, including conditions Nos. 10 and 12, for:
i. sedimentation pond construction in accordance with plan drawing 7E.
ii. south perimeter ditch construction.
iii. Channel B construction.
iv. sediment discharge control.
b. OAC Rule 3745-27-19(E)(1)(c)[4] for failure to maintain the integrity of the engineered components of the Landfill.
c. OAC Rule 3745-27-19(J)(3)[4] for failure to take actions necessary to correct the conditions causing ponding or erosion.
d. ORC Section 3734.11(A) for violating the rules adopted under this statute.

e. ORC Section 3734.11(B), OAC Rule 3745-27-19(B)(1)[4] and OAC Rule 3745-27-19(B)(2)[4] for violating the terms of its license and permit.

These violations were documented in a NOV letter from Ohio EPA to Respondent, dated December 10, 2003. In a letter dated December 16, 2003, Respondent responded to Ohio EPA's December 10, 2003 NOV and indicated the corrective measures it would or had taken to address the noted violations.

15. On March 1, 2004, Respondent submitted detailed plan drawings of the Landfill to Ohio EPA, in accordance with OAC Rule 3745-27-19(N).

Division of Surface Water Findings:

16. On June 19, 1990, and June 15, 1993, Ohio EPA received a NPDES permit application from Respondent. Ohio EPA made requests for either supplemental information, or a revised application on March 20, 1991, August 11, 1992, and December 11, 1996. Respondent replied to Ohio EPA's requests by providing additional information on March 26, 1991, May 3, 1994, December 13, 1996, and an Antidegradation Addendum was submitted by Respondent to Ohio EPA on July 14, 1997. As set forth in Finding 22, Ohio EPA did not consider the NPDES application complete until December 29, 2003.

17. On August 5, 2003 Ohio EPA inspected the site regarding the NPDES permit application. The inspection determined that the information regarding the discharge covered in the facility's NPDES permit application was inadequate. The ditch system that was initially designed to transport surface water was only partially installed. Respondent was informed the application was inadequate, and Ohio EPA could not act upon it. The inspector also observed turbidity and sediment in the two tributaries receiving turbid stormwater discharges from the site. A NOV was sent from Ohio EPA to Respondent on August 11, 2003. The NOV cited the Respondent for discharging without a NPDES permit (and violations of water quality standards. Ohio EPA also requested an updated permit application and a copy of the Storm Water Pollution Prevention Plan (SWP3) from the Respondent. The Plan was required to be submitted by September 30, 2003. Ohio EPA received the SWP3 on September 30, 2003 from the Respondent.

18. NOVs were sent to Respondent on February 24, 1994, May 31, 1994, and October 31, 1994 for the unpermitted stormwater discharge to waters of the state.

19. On August 13, 2003, Ohio EPA performed a follow up site inspection and again observed turbidity in the two tributaries receiving stormwater discharges from the site. By letter dated September 29, 2003 to Ohio EPA, Respondent outlined its plans for addressing surface water management issues at the Landfill.

20. On September 12, 2003, Ohio EPA met with the Respondent to discuss the various compliance issues related to the site. Ohio EPA reiterated the need for a complete and accurate permit application, and that discharging without a NPDES permit constituted a violation. Ohio EPA informed the Respondent of the need to cease the unauthorized discharge immediately.

21. On October 8, 2003, Ohio EPA sent Respondent comments regarding the SWP3, and reiterated the need for an updated NPDES permit application, and a revised SWP3 was required by October 31, 2003 from the Respondent.

22. Respondent submitted revisions to the SWP3 on October 29, 2003, and an updated NPDES permit application on October 30, 2003. The permit application did not include an updated Anti-Degradation Addendum, which Ohio EPA requested on November 10, 2003. Respondent submitted the Addendum on November 17, 2003, and additional information on December 4, 2003.

23. On November 24, 2003, Respondent notified Ohio EPA of a qualifying storm event for sampling. Additional sampling data for the NPDES permit application was provided to Ohio EPA on December 29, 2003, at which time the NPDES permit application was deemed complete by Ohio EPA.

24. In response to a December 22, 2003 NOV for turbidity, Respondent submitted to Ohio EPA a Turbidity Plan on January 15, 2004. Ohio EPA provided comments on the Turbidity Plan to Respondent on January 26, 2004, which Respondent responded to in a letter dated February 3, 2004.

25. Turbidity in the discharges to tributaries flowing to White Oak Creek was observed by Ohio EPA during site investigations conducted on January 30, 2004, February 10, 2004 and March 4, 2004. Ohio EPA sent Respondent an NOV on February 17, 2004 and directed Respondent to proceed with implementation of the Turbidity Plan. In a letter dated March 16, 2004, Respondent responded to Ohio EPA's February 17, 2004 NOV.

26. White Oak Creek and its tributaries are "waters of the state," as defined under ORC Section 6111.01(H).

27. This watershed is listed as impaired in the 2004 Integrated Report for the 305(b) and 303(d) report to USEPA.

28. Respondent does not hold a valid, unexpired NPDES permit to discharge stormwater from the Landfill into unnamed tributaries of White Oak Creek.

29. The discharge by Respondent into unnamed tributaries of White Oak Creek without a valid, unexpired NPDES permit is a violation of ORC Section 6111.04.

30. The discharge by Respondent into unnamed tributaries of White Oak Creek has resulted in the violation of OAC Rules 3745-1-04 and 3745-1-07.

31. Compliance with ORC Chapter 6111 is not contingent upon the availability or receipt of financial assistance.

32. The Director has given consideration to, and based his determination on, evidence relating to the technical feasibility and economic reasonableness of complying with these Orders and to evidence relating to conditions expected to result from compliance with these Orders, and its relation to the benefits to the people of the state to be derived from such compliance in accomplishing the purposes of ORC Chapter 6111.

V. ORDERS

Respondent shall achieve compliance at the Landfill and the Scrap Tire Facility with ORC Chapters 3734 and 6111 and the regulations promulgated thereunder according to the following compliance schedule:

Division of Solid and Infectious Waste Management Orders:

1. Upon the effective date of these Orders, except as otherwise provided in these Orders, Respondent shall comply with the authorizing documents, including but not limited to the PTI, license, registration, closure plan, any alterations approved by Ohio EPA in writing, or any surface water authorizations granted under ORC Chapter 6111, unless Respondent has received the express written approval of Ohio EPA.

Inspections by Respondent

2. Upon the effective date of these Orders, Respondent, in accordance with OAC Rule 3745-27-19[5], shall at a minimum:

   a. perform daily inspections of the Landfill for ponding, erosion, and leachate outbreaks. Written results of the inspections, including a discussion of any corrective actions taken, the date, and weather conditions, shall be recorded on the daily log forms required pursuant to OAC Rule 3745-27-19 (E)(10)[5] and shall be made available to the Brown County Health District or Ohio EPA upon request. Respondent shall further record in the Landfill's daily log of operations, the location of any repaired leachate outbreaks and the manner in which such repair has been remedied.

   b. perform weekly inspections of sedimentation ponds and sedimentation pond discharge structures, including pipes, ditches, and culverts for erosion, clogging, or failure, and take prompt corrective action, if necessary. Written results of the inspections, including a discussion of

[5]Effective August 15, 2003.

any corrective actions taken, any water quality samples taken, the date, and weather conditions, shall be recorded on the Landfill's daily log of operations.

c. ensure that surface water at the Landfill is diverted from areas where solid waste is being, or has been, deposited. The Respondent shall ensure that the Landfill is designed, constructed, maintained, and provided with surface water control structures that control run-on and run-off of surface water. These surface water control structures shall ensure minimal erosion and infiltration of water through the cover material and cap system. These surface water control structures shall be designed in accordance with OAC Rule 3745-27-08.[5]

Facility Site Team

3. Within fifteen (15) days after the effective date of these Orders, the Respondent shall provide in writing to Ohio EPA the names of the persons deemed by Respondent to be the Facility Site Team ("FST") for the Landfill and Scrap Tire Facility. The FST shall include, but not be limited to, the Regional Manager, Landfill Manager, Operations Manager, Landfill Engineer, and may include the Senior Operator.

4. Within thirty (30) days after the effective date of these Orders, in addition to the training requirements in Orders No. 7, 8, and 9, below, Respondent shall submit a proposed schedule to Ohio EPA to ensure that the members of the FST will timely complete training in the construction, management, and operation of municipal solid waste landfills, which training is performed by a third party instructional provider (e.g. SWANA, or state-sponsored landfill operator training program). Such training will be completed in accordance with the approved schedule but no later than 270 days from the effective date of these Orders. Respondent shall provide written documentation to Ohio EPA certifying compliance with these training requirements within thirty (30) days of their completion. Within thirty (30) days of the effective date of these Orders, or within thirty (30) days upon the reasonable availability of a training curriculum, Respondent shall obtain Ohio EPA's written concurrence of the training curriculum and the training organization required by this Order.

5. Within fifteen (15) days after the effective date of these Orders, Respondent shall ensure that at least one of the persons identified in the FST is physically present during at least 80% of regular daily operating hours at the Landfill and Scrap Tire Facility, during all operating hours. Respondent shall ensure that at least one of the FST members documents compliance with this Order by signing the daily logs of operations for the Landfill and Scrap Tire Facility and indicating their time of arrival and departure.

6. Respondent shall ensure that any successors to the persons identified on the FST in Order. No. 3 above, have received the training specified in Order Nos. 4,

7, 8, and 9, and shall document compliance with this Order to Ohio EPA in writing within six (6) months after making the personnel change.

Employee Training

7. Within ninety (90) days of the effective date of these Orders, the Respondent shall provide training to employees whose principal place of employment is at the Landfill and Scrap Tire Facility who are engaged in activities directly related to operations of the Landfill and/or Scrap Tire Facility regarding the terms and conditions of the detail plans, specifications, the PTI, license, any other applicable authorizing documents for the Landfill and the Scrap Tire Facility, and any surface water authorizations issued under ORC Chapter 6111, and the rules promulgated thereunder. This provision shall not apply to Respondent's temporary labor personnel, or administrative support or sales staff at the Landfill or Scrap Tire Facility.

8. Within ninety (90) days after the effective date of these Orders, the Respondent shall provide training, by a qualified party acceptable to Ohio EPA, to all employees of its Landfill and Scrap Tire Facility, as detailed in Attachment A, attached hereto and incorporated herein. Within thirty (30) days of the effective date of these Orders, Respondent shall obtain Ohio EPA's written concurrence regarding the curriculum and the party providing the training required by this Order. This provision shall not apply to Respondent's temporary labor personnel, or administrative support or sales staff at the Landfill or Scrap Tire Facility.

9. Within thirty (30) days after completion of the training set forth in Order Nos. 7 and 8, the Respondent shall provide documentation to Ohio EPA that it has complied with Order Nos. 7 and 8, and shall certify that all operations at the Landfill and the Scrap Tire Facility are subject to supervision by the FST. The certification shall be signed by a responsible official of the Respondent.

10. Within thirty (30) days of the effective date of these Orders, Respondent shall submit revisions to Alteration Request No. 15, which includes call out boxes, notes, and all deviations from the PTI, and within one hundred twenty (120) days of Ohio EPA's approval of the application for Alteration No. 15 to the PTI, Respondent shall construct the Landfill in full compliance with the approved PTI, and Alteration Request No. 15, and any other alterations or PTI modifications subsequently approved by Ohio EPA.

Daily and Intermediate Cover

11. Upon the effective date of these Orders, Respondent shall ensure compliance with OAC Rule 3745-27-19(F),[5] concerning daily cover.

12. Upon the effective date of these Orders, Respondent shall ensure compliance with OAC Rule 3745-27-19(G),[5] concerning intermediate cover.

Operating Record

13. Within thirty (30) days after the effective date of these Orders, Respondent shall review and update its "operating record" to ensure compliance with OAC Rule 3745-27-09.[5] Within forty five (45) days after the effective date of these Orders, Respondent shall provide documentation to Ohio EPA and the Brown County Health District detailing the changes that were made to its operating record since January 1, 2004.

Division of Surface Water Orders:

14. Upon the effective date of these Orders, and issuance of NPDES Permit for the Landfill and Scrap Tire Facility, Respondent shall comply with the NPDES Permit.

15. Within thirty (30) days after the effective date of these Orders, Respondent shall pay Ohio EPA the amount of $75,000 to be used by a nonprofit organization for the acquisition of conservation easements in the White Oak Creek Watershed.

Penalty

16. Within thirty (30) days after the effective date of these Orders, Respondent shall pay Ohio EPA the amount of $336,000 in settlement of Ohio EPA's claims for civil penalties, which may be assessed pursuant to ORC Chapter 3734 and which will be deposited into the Environmental Remediation Fund established pursuant to ORC § 3734.281. Payment shall be made by an official check made payable to "Treasurer, State of Ohio" for $336,000. The official check shall be submitted to Ohio EPA, Office of Fiscal Administration, P.O. Box 1049, Columbus, Ohio 43216-1049, together with a letter identifying the Respondent and the Landfill. A copy of the check shall be sent to Ohio EPA, DSIWM Systems Management Supervisor and Ohio EPA, Southwest District Office.

17. Within thirty (30) days after the effective date of these Orders, Respondent shall pay Ohio EPA the amount of $64,000 in settlement of Ohio EPA's claims for civil penalties, which may be assessed pursuant to ORC Chapter 6111. Payment shall be made by an official check made payable to "Treasurer, State of Ohio" for $64,000. The official check shall be submitted to Ohio EPA, Office of Fiscal Administration, P.O. Box 1049, Columbus, Ohio 43216-1049, together with a letter identifying the Respondent and the Landfill. A copy of the check shall be sent to Ohio EPA Supervising Attorney and Ohio EPA, Southwest District Office.

Supplemental Environmental Project

18. In lieu of paying up to $250,000 of the total amount of the civil penalty identified in Orders 16 and 17, Respondent may perform one or more supplemental environmental project(s) ("SEP") intended to secure significant environmental or public health protection and improvements pursuant to the procedure set forth herein.

    a. Respondent may submit one or more SEP proposals to Ohio EPA for approval. The SEP proposal(s) shall specifically contain a description of the SEP and include a schedule of implementation. In order to qualify as an approvable SEP, the project must meet one of the following: (i) it shall be designed to reduce the likelihood that violations similar to those identified in these Orders will occur in the future; (ii) reduce the adverse impact to public health or the environment to which the violations identified in these Orders contribute; or (iii) reduce the overall risk to public health or the environment potentially affected by the violations identified in these Orders. The SEP proposal must be submitted to, and approved by, Ohio EPA within one hundred eighty (180) days from the effective date of these Orders. Ohio EPA will undertake a timely review of the SEP proposal(s) submitted by Respondent. Respondent shall implement the SEP in accordance with the approved SEP proposal and the implementation schedule contained therein.

    b. Upon completion of the SEP, Respondent shall submit to Ohio EPA a SEP certification report containing the following information: (i) a detailed description of the SEP implemented; (ii) itemized costs; and (iii) certification that the SEP has been fully implemented pursuant to the provisions of the approved SEP proposal and this Order.

    c. Upon submittal of the SEP certification report, Ohio EPA shall review the report and provide written notice to Respondent of: (i) any deficiencies in the report along with a grant of an additional thirty (30) days to correct any deficiencies; (ii) the satisfactory completion of the SEP; or (iii) the failure of the Respondent to adequately complete the project.

    d. If Ohio EPA determines that the SEP has been completed in accordance with the SEP proposal, Respondent shall receive a credit toward the civil penalty of one dollar ($1.00) for every two dollars ($2.00) of itemized costs identified in the SEP certification report, which credit shall not exceed a total of $250,000.00 of the civil penalty identified in Orders 16 and 17.

    e. If Ohio EPA does not approve the SEP proposed by Respondent within one hundred eighty (180) days from the effective date of these Orders, then the entire unpaid balance of the civil penalty set forth in Orders 16 and 17 shall become immediately due and payable to Ohio EPA. If Respondent defaults or otherwise fails to complete the SEP according to

the approved SEP proposal or implementation schedule, then entire unpaid balance of the civil penalty set forth in Orders 16 and 17 shall become immediately due and payable to Ohio EPA.

VI. TERMINATION

Respondent's obligations under these Orders shall terminate when Respondent certifies in writing and demonstrates to the satisfaction of Ohio EPA that Respondent has performed all obligations under these Orders and the Chief of Ohio EPA's Division of Solid and Infectious Waste Management acknowledges, in writing, the Respondent's compliance with these Orders. If Ohio EPA does not agree that all obligations have been performed, then Ohio EPA will notify Respondent of the obligations that have not been performed, in which case Respondent shall have an opportunity to address any such deficiencies and seek termination as described above.

The certification shall contain the following attestation: "I certify that the information contained in or accompanying this certification is true, accurate and complete."

This certification shall be submitted by Respondent to Ohio EPA and shall be signed by a responsible official of Respondent. For purposes of these Orders, a responsible official of a corporation is a corporate executive officer or a duly authorized representative, if such representative is responsible for the overall operation of the Landfill and Scrap Tire Facility.

VII. OTHER CLAIMS

Nothing in these Orders shall constitute or be construed as a release from any claim, cause of action or demand in law or equity against any person, firm, partnership or corporation, not a party to these Orders, for any liability arising from, or related to, the operation of Respondent's Landfill or Scrap Tire Facility.

VIII. OTHER APPLICABLE LAWS

All actions required to be taken pursuant to these Orders shall be undertaken in accordance with the requirements of all applicable local, state and federal laws and regulations. These Orders do not waive or compromise the applicability and enforcement of any other statutes or regulations applicable to Respondent.

IX. MODIFICATIONS

These Orders may be modified by agreement of the parties hereto. Modifications shall be in writing and shall be effective on the date entered in the journal of the Director of Ohio EPA.

X. NOTICE

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

Ohio Environmental Protection Agency
Southwest District Office
Division of Solid and Infectious Waste Management
or as applicable
Division of Surface Water
401 East Fifth Street
Dayton, Ohio 45402
Attn: Supervisor

and

Brown County Health District
826 Mt. Orab Pike
Georgetown, OH 45121
Attn: Steven Dick, RS

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

XI. RESERVATION OF RIGHTS

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

XII. WAIVER

In order to resolve disputed claims, without admission of fact, violation or liability, and in lieu of further enforcement action by Ohio EPA for only the violations specifically cited in these Orders, Respondent consents to the issuance of these Orders and agrees to comply with these Orders. Compliance with these Orders shall be a full accord and satisfaction for Respondent's liability for the violations specifically cited herein.

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

Notwithstanding the preceding, Ohio EPA and Respondent agree that if these Orders are appealed by any other party to the Environmental Review Appeals Commission, or any court, Respondent retains the right to intervene and participate in

such appeal. In such an event, Respondent shall continue to comply with these Orders notwithstanding such appeal and intervention unless these Orders are stayed, vacated or modified.

XIII. EFFECTIVE DATE

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

XIV. SIGNATORY AUTHORITY

Each undersigned representative of a party to these Orders certifies that he or she is fully authorized to enter into these Orders and to legally bind such party to these Orders.

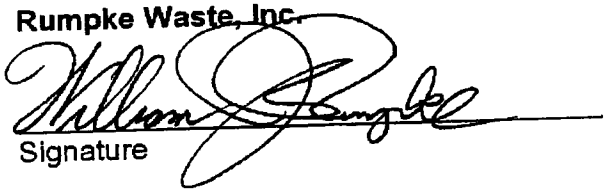
IT IS SO ORDERED AND AGREED:

Ohio Environmental Protection Agency

_____ _____
Christopher Jones Date
Director

IT IS SO AGREED:

Rumpke Waste, Inc.


Signature

6-1-04
Date

William J. Rumpke
Printed or Typed Name

President
Title

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