

**OHIO ENVIRONMENTAL PROTECTION AGENCY**  
**PERMIT-TO-INSTALL**

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Application Number: 05-11868  
Application Received: November 5, 2001  
Permit Fee: \$64,000.00  
Permit Fee Balance: \$63,600.00

Applicant: Rumpke Sanitary Landfill, Inc.  
Address: 10795 Hughes Road.  
City, State, Zip: Cincinnati, Ohio 45251

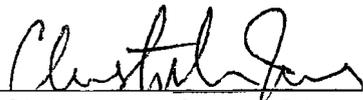
Name: Rumpke Sanitary Landfill  
Location: Located at the corner of Struble Road and US 27 in Colerain Township,  
Hamilton County, Ohio.  
PTI Type: Vertical Expansion

Issuance Date: **AUG 4 2003**

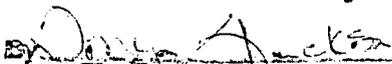
Effective Date: **AUG 4 2003**

The above named entity is hereby issued a permit-to-install (permit approval) for the above described source pursuant to Chapter 3745-31 of the Ohio Administrative Code (OAC). Issuance of this permit approval does not constitute expressed or implied approval or agreement that, if constructed and/or modified in accordance with the plans, specifications, and/or information accompanying the permit application, the above described source of environmental pollutants will operate in compliance with applicable state and federal laws, rules, and regulations, and does not constitute expressed or implied assurances that, if constructed and/or modified in accordance with those plans, specifications, and/or information accompanying the permit application, the above described source of environmental pollutants will be granted the necessary operating permits and/or licenses. This permit approval *is* issued subject to the attached conditions which are hereby incorporated and made a part hereof.

Ohio Environmental Protection Agency

  
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Christopher Jones, Director

I certify this to be a true and accurate copy of the  
official document as filed in the records of the Ohio  
Environmental Protection Agency.

By  Date 8/4/03

OHIO E.P.A.  
AUG - 4 2003  
ENTERED DIRECTOR'S JOURNAL

## PERMIT SUMMARY

This permit approval (PTI Number 05-11868) is an authorization to expand Rumpke Sanitary Landfill's approved limits of waste. Specifically, Rumpke Sanitary Landfill, Inc. proposes a 67-acre vertical expansion of the existing facility adding approximately 6.4 million cubic yards of capacity. Most of the expansion will be underlain by a separatory liner system. The authorized maximum daily waste receipt (AMDWR) will remain at 8,600 tons.

This summary is provided solely for informational purposes and does not constitute a part of, or otherwise affect, this permit approval.

## PERMIT CONDITIONS

1. The director, or an authorized representative, may enter upon the premises of the above named applicant (permittee) at any reasonable time during construction and operation for the purpose of making inspections, conducting tests, or examining records or reports pertaining to the construction, modification, or installation of the above described source of environmental pollutants (municipal solid waste disposal facility).
2. The proposed source shall be constructed in strict accordance with the plans, specifications, and information submitted as part of the application for this permit to the director. There may be no deviation from the approved plans without the express, written approval of the Ohio Environmental Protection Agency (Ohio EPA). Any deviation from the approved plans or the permit conditions may lead to such sanctions and penalties as provided under Ohio law. Approval of these plans does not constitute an assurance that the proposed facilities will operate in compliance with all Ohio laws and regulations. Additional facilities shall be installed upon orders of the Ohio EPA if the proposed solid waste disposal facility is inadequate or cannot meet applicable standards.
3. Issuance of this permit approval does not relieve the applicant of the duty to comply with all applicable federal, state, and local laws, ordinances, and regulations.
4. In accordance with OAC Rule 3745-31-06(A), this permit approval shall terminate 18 months after its effective date if the owner or operator has not undertaken a continuing program of installation or modification or has not entered into a binding contractual obligation to undertake and complete within a reasonable time a continuing program of installation or modification. In accordance with OAC Rule 3745-31-06(C), this deadline may be extended by up to 12 months if application is

- made to the director no less than 60 days prior to the expiration of the 18-month period and the party shows just cause for any such extension.
5. This permit approval shall apply only to those facilities shown on the plans submitted as part of PTI Application Number 05-11868, received on November 5, 2001, with subsequent revisions received on July 10, 2002, and September 17, 2002.
  6. This permit approval may be modified, or alternatively revoked and reissued, to comply with any revisions to OAC Chapters 3745-27 and 3745-31 applicable to this municipal solid waste disposal facility.
  7. The owner or operator shall provide for the proper maintenance and operation of the municipal solid waste disposal facility in accordance with the provisions of OAC Chapter 3745-27.
  8. Nothing in this permit approval shall be interpreted to release the permittee from responsibility under Chapters 3704, 3714, 3734, or 6111 of the Ohio Revised Code (ORC); under the Federal Clean Water Act, the Resource Conservation and Recovery Act, or the Comprehensive Environmental Response, Compensation, and Liability Act; or from other applicable laws for remedying conditions resulting from any release of contaminants to the environment.
  9. This permit approval does not authorize the acceptance of any hazardous or infectious wastes, except for those excluded from hazardous or infectious waste regulation by ORC Chapter 3734.
  10. This permit approval does not authorize the acceptance of any asbestos or asbestos-containing materials that are subject to the provisions of NESHAP, 40 CFR Part 61, Subpart M. No such asbestos or asbestos-containing waste materials may be accepted without first obtaining the necessary permits from Ohio EPA.
  11. Ohio EPA, Southwest District Office (SWDO) and the Hamilton County General Health District shall be notified in writing of the construction starting date prior to the start of construction on each of the facility's phases so that construction of this facility can be routinely inspected by Ohio EPA, SWDO and the Hamilton County General Health District before the phases are placed in operation.
  12. The permittee shall provide for the following inspections and facility maintenance:
    - a. The permittee shall provide for daily inspection of the disposal facility and completion of the daily inspection checklist and the municipal solid waste

- disposal facility daily log of operations. Written results of the inspections, including any corrective measures employed, shall be made available to Ohio EPA, SWDO or the Hamilton County General Health District upon request.
- b. Surface water control structures, including sedimentation ponds, sedimentation pond discharge structures, pipes, ditches, and culverts, shall be inspected at least monthly for erosion, clogging, or failure, and prompt corrective action shall be taken if necessary. A log including inspection results, corrective measures, and the date and weather conditions during any water quality sampling shall be maintained and submitted to Ohio EPA, SWDO or the Hamilton County General Health District, upon request.
  - c. To ensure proper operation of sedimentation ponds, the ponds shall be cleaned out completely annually, or when the volume of the settled particles necessitates cleaning based either on inspection results or to maintain the storage volume required by OAC Rule 3745-27-08(C)(6)(b).
  - d. The leachate collection system shall be inspected and maintained to prevent blockage or clogging that may impede proper collection of leachate.
13. The permittee shall perform the following activities during construction and operation of the facility in accordance with the cited provisions of OAC Chapter 3745-27:
- a. Any test pad required by OAC Rule 3745-27-08(C)(1)(m) shall be constructed and a report containing the test results shall be submitted to Ohio EPA, SWDO no later than 14 days prior to the initial construction date of the landfill component which the test pad models.
  - b. The earthen material tests required by OAC Rule 3745-27-08(D) shall be performed and the results submitted to Ohio EPA, SWDO no later than seven days prior to the intended use of the material in construction.
  - c. The construction certification report required by OAC Rule 3745-27-08(H) shall be submitted to Ohio EPA, SWDO and the Hamilton County General Health District no later than 30 days prior to the anticipated date of waste receipt in the newly constructed phases.
14. Prior to waste acceptance in any disposal area newly authorized by this permit approval, the permittee shall execute and fund a financial assurance instrument meeting the requirements of OAC Rules 3745-27-15, 3745-27-16, and 3745-27-17.

15. The permittee shall not recirculate leachate at the facility without prior written approval from Ohio EPA.
16. Pursuant to ORC Sections 3745.11(Q) and (V), payment of the solid waste permit-to-install fee balance, in the amount of \$63,600.00 payable to "Treasurer, State of Ohio", shall be submitted to Ohio EPA, Attn: Fiscal Administration, P.O. Box 1049, Columbus, Ohio 43216-1049. The fee balance shall be submitted within 30 days of the effective date of this permit approval. Failure to timely submit the required permit fee balance will result in assessment of late penalties in accordance with ORC Sections 3745.11(Q) and (V).

**END OF PERMIT CONDITIONS**

# Response to Comments Received for PTI Application Number 05-11868 for the Rumpke Sanitary Landfill Facility Located in Hamilton County

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On February 3, 2003, Ohio EPA issued a draft permit-to-install to Rumpke Sanitary Landfill, Inc. (Rumpke) for the proposed vertical expansion of the Rumpke Sanitary Landfill Facility located in Hamilton County. A public hearing was held on March 11, 2003, and written comments were accepted until April 17, 2002. The public comment period for the Vertical Expansion Draft permit-to-install was extended due to a public request.

The following are responses to questions and comments received during the hearing and comment period pertinent to the proposed expansion. Comments received are in bold print, followed by Ohio EPA's responses. Answers to questions received from oral testimony during the hearing and letters from citizens are presented first. Some comments, especially those received by several different commentors, have been summarized and are not quoted word-for-word.

- 1. What are Ohio EPA's procedures for the Solid Waste Landfill permit-to-install process? Ohio EPA did not keep the public informed regarding the permitting process of the Rumpke expansion permits.**

To ensure that communities are informed about potential new facilities or modifications of existing solid waste facilities in their area, Ohio Revised Code (ORC) Sections 3734.05(A)(2)(d) and (A)(2)(e) establish public meeting and hearing requirements for permit applications submitted to Ohio EPA and read as follows:

“(d) Not later than thirty-five days after submitting an application under division (A)(2)(a) or (b) of this section for a permit to open a new or modify an existing solid waste facility, the applicant, in conjunction with an officer or employee of the environmental protection agency, shall hold a public meeting on the application within the county in which the new or modified solid waste facility is or is proposed to be located or within a contiguous county. Not less than thirty days before holding the public meeting on the application, the applicant shall publish notice of the meeting in each newspaper of general circulation that is published in the county in which the facility is or is proposed to be located. If no newspaper of general circulation is published in the county, the applicant shall publish the notice in a newspaper of general circulation in the county. The notice shall contain the date, time, and location of the public meeting and a general description of the proposed new or modified facility. Not later than five days after publishing the notice, the applicant shall send by certified mail a copy

of the notice and the date the notice was published to the director and the legislative authority of each municipal corporation, township, and county, and to the chief executive officer of each municipal corporation, in which the facility is or is proposed to be located. At the public meeting, the applicant shall provide information and describe the application and respond to comments or questions concerning the application, and the officer or employee of the agency shall describe the permit application process. At the public meeting, any person may submit written or oral comments on or objections to the application. Not more than thirty days after the public meeting, the applicant shall provide the director with a copy of a transcript of the full meeting, copies of any exhibits, displays, or other materials presented by the applicant at the meeting, and the original copy of any written comments submitted at the meeting.”

“(e) Except as provided in division (A)(2)(f) of this section, prior to taking an action, other than a proposed or final denial, upon an application submitted under division (A)(2)(a) of this section for a permit to open a new or modify an existing solid waste facility, the director shall hold a public information session and a public hearing on the application within the county in which the new or modified solid waste facility is or is proposed to be located or within a contiguous county. If the application is for a permit to open a new solid waste facility, the director shall hold the hearing not less than fourteen days after the information session. If the application is for a permit to modify an existing solid waste facility, the director may hold both the information session and the hearing on the same day unless any individual affected by the application requests in writing that the information session and the hearing not be held on the same day, in which case the director shall hold the hearing not less than fourteen days after the information session. The director shall publish notice of the public information session or public hearing not less than thirty days before holding the information session or hearing, as applicable. The notice shall be published in each newspaper of general circulation that is published in the county in which the facility is or is proposed to be located. If no newspaper of general circulation is published in the county, the director shall publish the notice in a newspaper of general circulation in the county. The notice shall contain the date, time, and location of the information session or hearing, as applicable, and a general description of the proposed new or modified facility. At the public information session, an officer or employee of the environmental protection agency shall describe the

status of the permit application and be available to respond to comments or questions concerning the application. At the public hearing, any person may submit written or oral comments on or objections to the approval of the application. The applicant, or a representative of the applicant who has knowledge of the location, construction, and operation of the facility, shall attend the information session and public hearing to respond to comments or questions concerning the facility directed to the applicant or representative by the officer or employee of the environmental protection agency presiding at the information session and hearing.”

The permit application was submitted by Rumpke on November 5, 2001. An Applicant’s meeting was held on December 10, 2001. A Public Information Session was held by Ohio EPA on September 14, 2002 to present the project to the public and address any questions. On November 26, 2002, Ohio EPA mailed a letter to the 209 citizens on the Rumpke mailing list to provide follow-up information on questions that were raised at the September 14, 2002, Public Information Session. On February 2, 2003, Ohio EPA issued a draft permit approval for the proposed vertical expansion. Ohio EPA issued a public notice for the March 11, 2003, Public Hearing in 26 different newspapers published in Hamilton County. The public hearing to accept comments was held on March 11, 2003, at 7:00 p.m. During the hearing, all interested parties were given the opportunity to present oral and written comments for the official record regarding the draft permit. Written comments were also accepted by Ohio EPA until April 17, 2003. Both mailed, emailed, and faxed comments were accepted by Ohio EPA.

**2. A copy of Dr. Stark’s comments on the Rumpke vertical expansion application was requested.**

A copy of Dr. Timothy Stark’s comments was forwarded (electronically and via U.S. mail) to the citizen who made the request.

Dr. Stark’s comments were incorporated in their entirety into the March 20, 2002, Notice of Deficiency (NOD) letter. This letter and all information regarding Rumpke and their permits are available at the Ohio EPA, Southwest District Office during normal business hours from the date of receipt.

**3. Was Dr. Stark consulted concerning Rumpke's response to the Notice of Deficiency?**

No. Dr. Timothy Stark was not consulted because Ohio EPA did not think it was necessary. Dr. Stark presented clear and concise comments. Ohio EPA reviewed the revised permit application and determined that Rumpke has addressed all points in Dr. Stark's report.

**4. Since the permit application had to be completely revised, a new permitting process should have been restarted because of this submission.**

While the NOD letter sent to the applicant did contain 108 deficiencies, it is important to note that only some of these were generated by Dr. Timothy Stark's review of slope stability for the permit application. The remaining comments were generated by Ohio EPA's Solid and Infectious Waste staff. The applicant responded to the deficiencies by addressing them directly and respectively in both narrative form and in corresponding drawings. A landfill permit application is very complex, often including up to 100 plan drawings and many volumes of additional information. Identification of several deficiencies is a common part of the Ohio EPA's review process. Submittal of a revised permit application which addresses the deficiencies does not re-initiate the review process or require a new permit application.

Revisions to the application were submitted to Ohio EPA in July and September 2002. All of this information has been available during normal business hours at both the North Central Branch of the Public Library of Cincinnati and Hamilton County and Ohio EPA, Southwest District Office. The details of this revised permit application were presented to those in attendance at the Public Information Session held by Ohio EPA on November 14, 2002.

**5. The draft permit and permit-to-install information was not available to the public.**

All information received by Ohio EPA is available for public review upon receipt. The permit application and supporting calculations have been available to the public since November 5, 2001. The public can access these by conducting a file review at Ohio EPA, Southwest District Office or by visiting the North Central Branch of the Public Library of Cincinnati and Hamilton County. This was announced at the Applicant's meeting on December 10, 2001; in the public notice and news release (submitted to Hamilton & surrounding counties) for Ohio EPA's, November 14, 2002, Public Information Session; at the Public Information Session; and in the

public notice and news release for the draft permit public hearing, as well as in the Citizen advisory which was mailed directly to 209 interested individuals.

**6. Heather Lauer stated that Ohio EPA is not required by law to provide a repository. Is she insinuating that the Ohio EPA does a minimal amount to inform citizens?**

All information submitted to Ohio EPA regarding this permit-to-install application and Rumpke is public record and available for viewing at Ohio EPA, Southwest District Office during normal business hours, 8:00 a.m.- 5:00 p.m. Monday through Friday. Typically, Ohio EPA has found it helpful if this information is also made available locally as a courtesy within the communities where regulated facilities exist, so the agency took additional steps by sending the information to the Public Library of Cincinnati and Hamilton County. Members of Ohio EPA visited the North Central branch of the library located on 11109 Hamilton Avenue in Colerain Township on the day after the public hearing. The permit application materials were made available to Ohio EPA staff upon request at the front desk of the library.

**7. The permit-to-install application was misidentified in the public notice.**

It appears that one of the 26 different newspapers throughout Hamilton County that carried the Public Notice statement misprinted the permit application number by transposing the first two numbers. While these numbers are used to refer to a particular permit application, both Ohio EPA and the Public Library references these documents by both number and title, in addition to being know as the "Rumpke permit".

Although one paper transposed the first two digits of the permit application number, the public notice included a written description of the specific modification which was the subject of the hearing, including the facility name, facility location, type of permit application, and the expansion's size. While the permit application number was incorrect in that one public notice, the text of the notice adequately described the subject of the hearing such that interested citizens were informed of the permit application and the opportunity for public involvement.

**8. I am concerned about both my family's health and the environment. Won't an expansion allow Rumpke to destroy more of the environment?**

As the state's recognized leader in environmental stewardship, Ohio EPA is charged with, and also concerned about, protecting citizens health and environmental interests. The rules and laws of the State of Ohio which apply to the permitting and

operation of a landfill are protective of human health and the environment. Based on the review by Ohio EPA engineers and scientists, this permit application meets Ohio's strict requirements.

**9. What impact will a vertical expansion have on the stability of the facility?**

The vertical expansion permit application was reviewed by Ohio EPA technical staff and Dr. Timothy Stark, a national expert in stability. Ohio EPA contracted with Dr. Stark specifically for his expertise to ensure that all appropriate measures were taken to evaluate the feasibility of the proposed project as well as the effects it will have on the facility. This current design has been determined to meet applicable engineering practices and slope stability standards as well as meeting the requirements set forth in Ohio EPA rules and regulations. Copies of Dr. Stark's report and Rumpke's responses to Ohio EPA deficiencies are available for public review by contacting Sally Brown of Ohio EPA, Southwest District Office, 401 East Fifth Street, Dayton, OH 45402, (937) 285-6025.

**10. "It is time for Rumpke to close".**

When any permit application is submitted to Ohio EPA, technical staff are obligated to review it in accordance with Ohio's laws and rules. The standards that must be met for permit issuance include meeting siting criteria, meeting design and construction standards, meeting background investigation requirements, and maintaining substantial compliance with Ohio's laws and rules. Under current state law, Ohio EPA does not have the authority to close a facility if it meets all the applicable requirements.

**11. Rumpke's facility pollutes the surrounding air and water.**

Potential air and water pollution from land filling operations was evaluated during Rumpke's 1994 Expansion request and again now with air related issues due to the vertical expansion. Air and water permits were issued to the facility with specific requirements to meet Ohio's air and water pollution standards for Rumpke's 1994 Expansion request. The first phase of the vertical expansion was within the scope of the existing air and water permits. Therefore, no additional air or water permits are necessary. However, a draft air permit was issued on October 8, 2002, to update the existing air permits and to secure public comments for a different phase of vertical expansion which will increase the capacity of the landfill. Until such time as the draft air permit is issued final, the existing air and water permits include requirements for monitoring and evaluation of the impact of Rumpke's 1994 Expansion request that was determined to be an approved activity. Once the draft air permit is issued final, the requirements contained within the final air permit will

supercede the requirements of the existing air permits for Rumpke's 1994 Expansion request. This monitoring and evaluation is submitted to the different Ohio EPA divisions and local air agencies who are contracted by Ohio EPA to perform similar tasks as Ohio EPA Divisions depending on which organization has jurisdiction for verifying that Rumpke is operating in compliance with their permits. All of this information is available by contacting Sally Brown, Ohio EPA's Southwest District Office located at 401 East Fifth Street, Dayton, OH 45402, 937-285-6025 concerning permits other than an air permit. Information concerning air permits should be directed to Brad Miller of the Hamilton County Department of Environmental Services located at 250 William Howard Taft Road, Cincinnati, Ohio 45219, 513-946-7777.

**12. If Rumpke was allowed to build the landfill incorrectly the first time, what makes Ohio EPA think Rumpke will do it right this time.**

Ohio EPA has gained valuable knowledge and experience since the waste slide that occurred at the Rumpke facility in 1996. This slide served to focus Ohio EPA on ensuring proper waste placement and compaction and to perform intensive reviews of slope stability design and calculations within proposed construction projects. Along with this knowledge and experience, the services of a national stability expert, Dr. Timothy Stark, were contracted to provide third party review of the proposed expansion at Rumpke. Ohio EPA's review combined with Dr. Stark's review of the proposed project has concluded that the proposed design is technically sound and stable.

Furthermore, Ohio EPA staff regularly inspect the construction of the facility. Prior to accepting any waste in newly constructed area, Rumpke must first submit a construction certification report, and Ohio EPA must concur with it.

**13. No one seems to monitor Rumpke on a day-to-day basis.**

Ohio's solid waste regulations require that landfills be inspected a minimum of four times a year (once per quarter). The Hamilton County Health District is approved to administer the solid waste program in Hamilton County and is required to conduct the inspections. The Hamilton County Health District was at the landfill 50 times in 2002 and 20 times during the first 6 months of 2003. Ohio EPA also conducts unannounced inspections of the facility, typically at least once per quarter.

**14. Citizens expressed concerns about increased odors, blowing litter, truck traffic, and decreasing property values as a result of Rumpke's expansion.**

Under current state law, Ohio EPA does not have the authority to consider potential increases in road usage and truck traffic or potential impacts a facility may have upon property values.

The owner of the landfill is required to control blowing trash and dust emissions. Failure to control blowing litter is a violation of landfill regulations. If this is ever noted, the Hamilton County Health District, which is responsible for administering the solid waste program in Hamilton County, should be contacted at (513) 946-7874.

If odors are suspected to be coming from the landfill, then the Hamilton County Division of Environmental Services can be contacted. The Hamilton County Division of Environmental Services is authorized to administer the air pollution control program in Hamilton County. The Hamilton County Division of Environmental Services can be reached at (513) 946-7777.

**15. Ohio EPA's public meetings for the permit application are being scheduled on the same nights as the Colerain Township Trustees' meetings, thus preventing interested citizens from participating in both meetings.**

Ohio EPA had already held one public information session and scheduled this public hearing before this conflict was brought to our attention. The third meeting was rescheduled as a result of this concern to avoid the scheduling conflict. Ohio EPA will strive to minimize conflicts when they are brought to our attention.

The public hearing is an opportunity for the public to have their comments recorded for the record. During the public comment period, Ohio EPA also takes written comments. All comments, both written and oral, are considered equally and responded to in a responsiveness summary. It is not necessary for commentors to attend public hearings to provide oral comments since both oral and written comments are considered and included in the official record.

**16. No one representing the Ohio EPA at the public meeting spoke with anyone from our group after our presentation.**

The Public Hearing format is one which allows the public to speak and make comments known for the record. This information is recorded by a court reporter and submitted for review and consideration by Ohio EPA. If Ohio EPA were to

address public comments at the public hearing, time may not allow everyone to be able to speak and make their comments known. Ohio EPA is available during normal business hours and via email to answer any questions you may have. Please call (937) 285-6357 or write to: Ohio EPA, Southwest District Office, 401 East Fifth Street, Dayton, OH 45402-2911.

**17. Is a hazardous dump more important than a human life, especially a child's?**

This landfill is a solid waste disposal facility, and, unlike a hazardous waste facility, does not accept regulated hazardous waste for disposal. It is constructed and operated with stringent environmental controls, including a liner system, leachate collection system and ground water monitoring system.

In addition, municipal solid waste landfills must have a hazardous waste prevention and detection program in place in order to prevent hazardous waste from entering the landfill. The program must include either a random inspection program or a pre-acceptance waste screening program. Ohio EPA inspects facility records to determine whether the random inspection or waste screening program is being followed. Ohio EPA continues to monitor violations and takes enforcement action against facilities who have accepted hazardous waste for disposal.

In terms of Ohio EPA's review of a permit application, the application must meet the stringent requirements of Ohio EPA rules which have been adopted to assure protection of both public health and the environment.