



John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

BEFORE THE
ENVIRONMENTAL PROTECTION AGENCY

CERTIFIED

December 31, 2013

Sunny Farms Landfill, LLC
12500 W. Co. Rd. 18
Fostoria, OH 44830

RE: Sunny Farms Landfill, LLC
Modified Director's Final Findings
and Orders
DFF&O
Municipal Solid Waste Landfill
Seneca County
MSWL018786

Dear Sir or Madam:

Transmitted herewith are Modified Final Findings & Orders of the Director concerning the matter indicated.

Sincerely,

Georgia Frakes, Management Analyst
Division of Materials and Waste Management

Enclosure: Modified Director's Final Findings and Orders

- cc: Carl Mussenden, DMWM, CO
- Kelly Jeter, DMWM, CO
- Robin Nichols, Legal
- Sue Hardy, DMWM, NWDO
- Mike Reiser, DMWM, NWDO
- Andy Drumm, DMWM, NWDO
- Seneca County Health Department

OHIO E.P.A.

DEC 31 2013

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

Sunny Farms Landfill LLC
12500 W Co Rd 18
Fostoria, OH 44830

Modified Director's
Final Findings and Orders

Respondent

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

PREAMBLE

By Jim Lassiter Date: 12-31-13

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Modified Director's Final Findings and Orders ("Orders") are issued to Sunny Farms Landfill LLC ("Respondent") pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency under Ohio Revised Code ("ORC") Sections 3734.13 and 3745.01, and to Modify the Director's Final Findings and Orders dated January 23, 2013.

II. PARTIES BOUND

These Orders shall apply to and be binding upon Respondent and its successors in interest liable under Ohio law. No change in ownership of Respondent or of the 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 shall have the same meaning as defined in ORC Chapter 3734 and the rules promulgated thereunder.

IV. FINDINGS

All of the findings necessary for the issuance of these Orders pursuant to ORC Sections 3734.13 and 3745.01 have been made and are outlined below. Nothing in the findings shall be considered to be an admission by Respondent of any issue of law or fact. The

Director of Ohio EPA makes the following findings:

1. The Sunny Farms Landfill ("Facility") is located at 12500 W County Road 18, Fostoria, OH, Seneca County, Ohio.
2. Respondent is a "person" as that term is defined in ORC Sections 3734.01(G) and 3704.01(O) and in Ohio Administrative Code ("OAC") Rules 3745-27-01(P)(3) and 3745-15-01(V).
3. Respondent is the "owner" and the "operator" of the Facility as those terms are defined in OAC Rules 3745-27-01(O)(7) and 3745-27-01(O)(5), respectively, and is also the license holder for the Facility.
4. The Facility is a "sanitary landfill facility" as that term is defined under OAC Rule 3745-27-01(S)(4) and is authorized to accept "solid waste" as that term is defined under ORC Section 3734.01(E) and OAC Rule 3745-27-01(S)(24).
5. On January 23, 2013, the Director and Respondent consented to Director's Final Findings and Orders ("January 2013 Orders").
6. Beginning February 2013, Respondent commenced surface emission monitoring in accordance with Order #10 of the January 2013 Orders. Surface emission monitoring did identify exceedances; however, Respondent asserts that no exceedances have occurred in the fourteen acre area that is required to be capped per Order #18 of the January 2013 Orders.
7. On October 8, 2013, Sunny Farms, LLC notified Ohio EPA that it not only ceased disposal but finished adding engineered soil cover to approximately 25 acres to the center of the landfill where the Agency and Sunny Farms, LLC both concur odors are currently escaping (Area A of Exhibit #1 attached hereto). This soil was placed in lifts and compacted. The soil will serve as the sub-base for the final cap.
8. In light of the foregoing, and in accordance with Section X of the January 2013 Orders, the Director finds that these Modified Director's Final Findings and Orders are appropriate to more effectively address the ongoing odor issues at the Facility. These Modified Director's Final Findings and Orders are intended to revise and modify Section V of the January 2013 Orders.

V. ORDERS

The Director hereby issues the following Orders:

1. Section V of the January 2013 Orders is hereby modified to replace Order # 18 with the following:

18. A. Not later than December 31, 2013, Respondent shall submit to Ohio EPA an alteration to PTI #03-6324 that includes the following:
 - I. A revision to permit drawing sheet 4C – changing the final waste grade elevation to 1025’,
 - II. A revision to permit drawing sheet 4D – changing the final cap grade elevation to 1029’, and
 - III. If Respondent modifies the gas collection and control system design, a revision to permit drawing sheet 3K reflecting any changes to that design; and
 - IV. The revision of the Facility’s permit documents to account for the required closure of the north unit of the Facility, and the resultant permanent loss of airspace at the Facility.
 - B. Not later than January 1, 2014, Respondent shall install all gas extraction wells approved in PTI #03-6324 in the north unit of the Facility except those wells above elevation 900 on the south slope.
 - C. Not later than March 31, 2014, Respondent shall install the remaining gas extraction wells in the north unit as approved in PTI #03-6324;
 - D. Not later than October 31, 2014, Respondent shall complete construction of the final cap on Area A and any remaining portions in the north unit of the Facility.
2. Except as specifically set forth in Order # 1 above, all provisions of the January 2013 Orders remain unchanged and in effect.

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 Materials and Waste Management acknowledges, in writing, the termination of 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: “Sunny Farms Landfill LLC certifies that the information contained in or accompanying this certification is true, accurate and complete.”

This certification shall be submitted by the Respondent to Ohio EPA and shall be signed by a responsible official of Respondent.

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 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
Northwest District Office
Division of Materials and Waste Management
347 North Dunbridge Road
Bowling Green, Ohio 43402

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, defenses, 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

the January 2013 Orders, Respondent consents to the issuance of these Orders and agrees to comply with these Orders. 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. Compliance with these Orders shall be a full accord and satisfaction for Respondent's liability for the violations specifically cited herein.

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

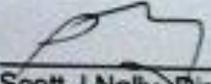
The effective date of the Orders is the date these Orders are entered into the Ohio EPA Director's Journal.

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.

ORDERED AND AGREED:

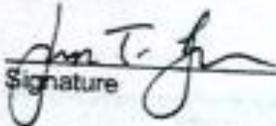
Ohio Environmental Protection Agency



Scott J Nally, Director

AGREED:

Sunny Farms Landfill LLC.


Signature

JAMES T. LYON
Printed or Typed Name

REGIONAL VICE PRESIDENT
Title

EXHIBIT 1

