

**OHIO ENVIRONMENTAL PROTECTION AGENCY
PERMIT TO INSTALL**

Application Number: 05-14379
Application Received: February 24, 2006
Permit Fee: \$80,000.00
Permit Fee Balance: \$79,600.00

Applicant: Rumpke Waste, Inc.
Address: 10795 Hughes Road
Cincinnati, OH 45251

Name: Brown County Landfill
Location: 9427 Byers Road
Georgetown, Ohio 45121

PTI: Vertical and Lateral Expansion

Issuance Date:

Effective Date:

The above-named entity is hereby issued a permit-to-install (permit) for the above-described source pursuant to Ohio Administrative Code (OAC) Rule 3745-27-02. Issuance of this permit 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 is issued subject to the attached conditions which are hereby incorporated and made a part hereof.

Ohio Environmental Protection Agency

Chris Korleski, Director

PERMIT SUMMARY

This is a draft permit (PTI Number 05-14379) which, if issued as a final permit, authorizes vertical and lateral expansion of Brown County Landfill (Facility), an existing municipal solid waste disposal facility, located in Brown County. Rumpke Waste, Inc. is the owner, operator, and applicant of the Facility.

The permit application proposes a 208.6 acre expansion with a capacity of 60,591,000 cubic yards. If approved, the total acreage of the Facility's waste placement would be 281.1 acres with a capacity of 65,047,000 cubic yards. Based on the Facility's proposed authorized maximum daily waste receipt (AMDWR) of 3,000 tons, the anticipated life of the Facility is 56.5 years. Based on current average gate receipts, anticipated Facility life is about 212.5 years.

The Facility's design includes placement of a composite (clay/geosynthetic membrane) liner system, a leachate collection system, a surface water management system, a ground water monitoring system, an explosive gas monitoring system, and a final closure cap system. The permit also incorporates 30 years of post-closure care and financial assurance for closure and post-closure care.

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

PERMIT CONDITIONS

1. The director of the Ohio Environmental Protection Agency (Ohio EPA), 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 Facility shall be constructed in strict accordance with the plans, specifications, and information submitted as part of the application for this permit. There may be no deviation from the approved plans without the express written approval of 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 Facility will operate in compliance with all Ohio laws and regulations. Additional Facility components shall be installed upon orders of Ohio EPA if the Facility is inadequate or cannot meet applicable standards.

3. Issuance of this permit does not relieve the permittee of the duty to comply with all applicable federal, state, and local laws, ordinances, and regulations.
4. This permit shall apply only to the Facility shown on the plans submitted as part of PTI Application Number 05-14379 as received on February 24, 2006 with subsequent revisions received on April 4, 2007; February 29, 2008; April 15, 2008; and May 30, 2008.
5. The Facility's AMDWR is hereby established to be 3,000 tons. This supersedes any previously established AMDWR for the Facility.
6. This permit may be modified, or alternatively revoked and reissued, to comply with any revisions to OAC Chapter 3745-27 applicable to this municipal solid waste disposal facility.
7. The permittee shall provide for the proper maintenance and operation of the Facility in accordance with the provisions of OAC Chapter 3745-27.
8. Nothing in this permit shall be construed to authorize any waiver from the requirements of any applicable federal or state laws or regulations. This permit shall not be interpreted to release the permittee from responsibility under Ohio Revised Code (ORC) Chapters 3704, 3714, 3734, or 6111; 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 requirements for remedying conditions resulting from any release of contaminants to the environment.
9. This permit 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 does not authorize the acceptance of any asbestos or asbestos-containing waste material that is subject to the provisions of NESHAP, 40 CFR Part 61, Subpart M. No such asbestos or asbestos-containing waste material may be accepted without first obtaining the necessary permits from Ohio EPA.
11. Not later than seven (7) days prior to starting any construction authorized under this permit, the permittee shall submit to Ohio EPA, Southwest District Office (SWDO) and Brown County Health District (BCHD) written notification of the anticipated construction start date so that construction of this Facility can be routinely inspected by Ohio EPA, SWDO and the BCHD before being placed into operation.

12. 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 as follows:

- a. The pre-construction tests required by OAC Rule 3745-27-08(D) shall be performed, and the test results shall be submitted to Ohio EPA, SWDO not later than seven (7) days prior to the intended use of the materials in construction.
- b. The pre-construction interface tests required by OAC Rule 3745-27-08(G) shall be performed, and the test results submitted to Ohio EPA, SWDO not later than seven (7) days prior to the use of each geosynthetic material authorized by this permit.
- c. The construction certification report required by OAC Rule 3745-27-08(H) shall be submitted to Ohio EPA, SWDO and BCHD not later than forty-five (45) days prior to the anticipated date of waste receipt in newly constructed areas. Pursuant to OAC Rule 3745-27-19(C)(1), the permittee shall not accept waste in a phase until Ohio EPA, SWDO provides written concurrence of the construction certification report for that phase.

13. The permittee shall provide for the following inspections and facility maintenance:

- a. The permittee shall provide for daily inspection of the Facility and completion of the Municipal Solid Waste Landfill Daily Log of Operations, Form 3. Written results of the inspections, including any corrective measures employed, shall be made available to Ohio EPA or BCHD 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. Written results of the inspections, including a discussion of any corrective measures taken, any water quality samples taken, and the date and weather conditions, shall be recorded on the required daily log forms. The information shall be maintained on site and submitted to Ohio EPA, SWDO or BCHD upon request.
- c. To ensure proper operation of sedimentation pond(s), the pond(s) shall be cleaned out as necessary 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(D)(3).

14. 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 prior to waste acceptance in any disposal area newly authorized by this permit.
15. Pursuant to ORC Sections 3745.11(Q) and (V), payment of the solid waste permit to install fee balance, in the amount of \$79,600.00 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 thirty (30) days of the effective date of this permit. 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

ORC Section 3734.02(G) Exemption from OAC Rule 3745-27-08(C)(1)(b)

The permittee has requested an exemption from OAC Rule 3745-27-08(C)(1)(b), which requires that the composite liner system have at least a 2.0 percent slope in all areas, except along flow lines augmented by leachate collection pipes for lateral expansions of existing facilities. The applicant submitted calculations that support the ability of the Facility design to maintain compliance with the requirements of OAC Rule 3745-27-08(C)(3)(c) which limits the leachate head on the liner to a maximum of 1 foot.

Pursuant to ORC Section 3734.02(G), the director may, by order, exempt any person generating, collecting, storing, treating, disposing of, or transporting solid wastes, or processing solid wastes that consist of scrap tires, in such quantities or under such circumstances that, in the determination of the director, is unlikely to adversely affect the public health or safety or the environment from any requirement to obtain a registration certificate, permit, or license or comply with other requirements of ORC Chapter 3734.

Because adequate slope is provided along the flow lines of the leachate collection pipes, and because the Facility's leachate management system design will be able to limit leachate head on the liner a maximum of 1 foot, granting an exemption from OAC Rule 3745-27-08(C)(1)(b) is unlikely to adversely affect the public health or safety or the environment. Therefore, pursuant to ORC Section 3734.02(G), the permittee is hereby granted an exemption from OAC Rule 3745-27-08(C)(1)(b), which requires that the composite liner system have at least a 2.0 percent slope in all areas, except along flow lines augmented by leachate collection pipes for lateral expansions of existing facilities. This exemption shall remain in effect throughout the effective period of this permit unless otherwise revoked.