

**RECORD OF PROCEEDINGS
SPECIAL**

Minutes of _____

Meeting _____

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6101

August 5, 2004

Held _____

Special Meeting of the Board of Trustees

Ohio EPA Question-and Answer Session and Public Hearing for Rumpke Sanitary Landfill's draft landfill permit to install (PTI) and draft National Discharge Elimination System (DPDES) permit.

OPENING OF MEETING

Mr. Corman called the meeting to order at 7:07 PM with all Board members and the Clerk in attendance. He explained the need for a special meeting in light of the "sunshine laws." He said this is a hearing conducted by OEPA, in regard to the Rumpke corporation. This meeting is not meant for the Board to make decisions, but just to hear what is going on.

Susan Aman, with the OEPA's public interest center, welcomed attendees. She invited everyone to sign up to be added to mailing and e-mail list. She summarized what has already been presented in the community.

She explained the first part of the meeting is a question-and-answer session so residents can formulate remarks for the second part of the meeting, the official public hearing.

Juanita Rork lives 3.5 miles from Rumpke and says the stench from trash is unbearable. She asked why we need to deal with other people's garbage. Ms. Aman said that out-of-state waste is allowed. She said the odor might be from the deodorizing system and suggested Ms. Rork call the local health department about things that can be done.

Gail Epure had a question about the criteria in the municipal code in regard to the wetland relocation requirements. Ms. Aman said that wetlands can be relocated, but permission is required. She clarified that a natural area is a state nature preserve or state scenic river.

Alice Kennedy asked about the acreage of the area. Joleen Cook, permit reviewer for the PTI, said there are 95 acres additional, with 67 acres layover. The landfill will be no taller. Mrs. Kennedy responded that the consent decree says 65 acres. Ms. Cook said she would look at this.

Karen Stephenson asked if the applicant has filed closure and post-closure plans. Ms. Cook said that they have. Ms. Stephenson asked if they have financial bonds. Ms. Cook said they do for existing plans.

Caren Whitcomb said that for the April PTI hearing, she has received no feedback on her testimony. She asked how this goes along with OEPA's mission statement. Ms. Aman explained the responsiveness summary is sent out with director's final decision. Not everyone received a copy and another one went out this week.

Mike Freemont asked about the diagram of landfill and sediment control pond. He asked if this water is treated in any way. Mary Osika, with the OEPA's division of Surface Water and permit reviewer for the NPDES permit, said the treatment is the settling. Mr. Freemont asked if this can be prevented from running off. Ms. Osika said the sedimentation is for rainwater only. Mr. Freemont asked if leachate can percolate its way down. Ms. Cook said that if rainwater comes in contact with waste, it becomes leachate and needs to be repaired.

RECORD OF PROCEEDINGS
SPECIAL

145

Minutes of

Meeting

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6101

August 5, 2004

Held

Virginia Wernke asked how the OEPA, who accepts money from Rumpke, can make decisions about it. Don Marshall, manager, said they force facilities to pay to regulate them. Ms. Wernke said that it is in Ohio's best interest to limit trash from other states. Mr. Marshall said that we can not regulate interstate commerce.

Craig Fissell asked how many variances and allowances has OPEA granted to Rumpke, for example, slope and height variances. Mr. Marshall said he is not aware of any. Mr. Fissell asked about how many times they could expand. Ms. Cook said Rumpke receives no privilege from OPEA. The permits meet the criteria in the code and the scrutiny is the same. Ms. Aman said she would check on this. Mr. Fissell asked what altitude was this ground before landfill. It is now the highest point in Hamilton County and he finds this embarrassing.

Mr. Fissell asked if they have seen the new road near Rumpke. It is already grey as the sediment gets dragged out on Colerain Ave. We are breathing this. The sediment is getting dragged out on Colerain Ave., not just in the pond. Ms. Cook said that she has visited this area.

Another attendee questioned the requirement that the landfill be more than 1000 feet from a residence. He lives on Hughes Road. He also questioned the requirement that the landfill be more than 200 feet from a stream as there is a stream 10 feet from the wall holding up the landfill. Ms. Aman suggested he bring this up in the public hearing.

An attendee is concerned about the lead contaminated soil going to Rumpke. He asked if this is being dumped on the top and ending up on our streets. Ms. Aman said the soil treated. It is considered waste and is not to be used as cover. Another attendee is also concerned about the diesel trucks as we are breathing those pollutants. Ms. Aman said this is not one of the criteria in permit evaluation.

A man asked about natural gas extraction. Ms. Cook responded they are required to have this and do have gas plant on-site. He asked if it would be expanded. Ms. Cook said that it would. The wastewater discharge will increase, from 45 to 65 micrograms per liter, under the allowance of state law, OMC 3745-1-05.

Mr. Bernie Fiedeldey asked if the discharge permit application means that Rumpke requested to further pollute the waters of the state. Ms. Aman said yes. Mr. Fiedeldey asked Mr. Bill Rumpke if he would withdraw the permit and be a good steward of the community. Mr. Rumpke said the company follows all state laws. Mr. Fiedeldey said that all waters should be swimmable and fishable under the Clean Water Act. Waters are polluted and we are knowingly adding to this. If everyone pollutes under the threshold, what happens? What is the cumulative effect?

A woman asked for a definition of total suspended solids. Ms. Osika said these are fine particulates, which do not dissolve. They do not settle out like heavy metals. It is mostly dirt and final cover. There have been violations of this, with an average of 10 per year. She asked if this increase in number is a solution for the violations. Ms. Osika said that you can not equate that as there have been changes in the laws. She also asked why stream monitoring is left out of the permit. Ms. Osika said that it is not in the existing permit and not proposed in this permit. It could be in if they have reasons and justifications.

A man asked if the sediment area would be expanded to cover the expansion amount. Ms. Cook said yes, there would be an additional pond required.

August 5, 2004

Held _____

A man asked if OEPA has ever said no to Rumpke proposals. Ms. Cook said they review every application and all points must be rectified before the application is accepted. Ms. Aman said they do review and comment back and forth.

A man asked how Rumpke could pollute the creeks and waterways, ruin people's property and get away with it. There is nothing living in some of the creeks. The pollutants go into the aquifer downstream further. This has been going on for years and years. Property values are going down. Ms. Aman said these are valid concerns, but are part of having a landfill there and some of his concerns can not be addressed by Ohio EPA. He said they should not expand and should close. They are doing many things wrong and polluting the area.

At 8:05 PM, Ms. Aman said the group would take a break for 10-15 minutes to prepare for the public hearing. We would resume at 8:15 PM.

The meeting reconvened at 8:23 PM for the public hearing. The purpose of the public hearing was for Ohio EPA to receive public comment on the official record. The written comment period closes on August 16.

Juanita Rork lives 3.5 miles from Rumpke. The stench from Rumpke is overpowering and she can not go out and enjoy the day. She hears explosions and back-up alarms. We are already taking other people's trash and this has gone on long enough.

Bruce Whittberry represents the Greater Cincinnati Water Works. He said that even with the best environmental engineering, accidents may and will occur. There is a drinking water source 2.5 miles from landfill. The landfill is out of the aquifer, but drains into Bank Lick Creek. It poses minimal risk during normal operation, but contamination can infiltrate into wells. He said it is vital GCWW be notified in this case so they can take protective measures. He made a few requests on permits: a requirement to notify GCWW of a leachate outbreak or a chemical or petroleum leak or hazardous materials leak which might reach Bank Lick Creek. He also requested daily visual inspections on areas most susceptible to leaks.

Dana Danuagan is a member of the Friends of Great Miami and submitted comments from a University of Cincinnati professor, Michael Miller. She read a statement on behalf of the Friends of the Great Miami and requested a copy of the permits for review. She said they should add mandatory stream monitoring.

Robert Copeland is a trustee in Morgan Township, Butler County and chairman of the Butler County Solid Waste District. He spoke in favor of both permits and feels both are in compliance. The real question is whether the permit is necessary for economic growth. Popularity is not at question. The question is whether or not it will be in compliance with OEPA guidelines. This is critical for sustained economic growth in the region.

Gail Epure wanted to comment on the previous speaker. She asked if the people in Brown County think Rumpke is doing a good job. Mr. Copeland said he spoke with a Brown County commissioner today who extolled the virtues. Ms. Epure asked how the OEPA will enforce the environmental laws. It seems they have little enforcement power. Property owners should be enhancing the concern about water quality. There was a landslide in 1996 and polluted water now. There is pollution in our water and odors in our air. It is a nuisance and risk to human welfare. She asked who is being held accountable. Ohio laws are not sufficient and there is no legal way to deal with violations. Can something more than fines be done? She would like a health study done. The health standards are not safe.

RECORD OF PROCEEDINGS
SPECIAL

147

Minutes of _____

Meeting _____

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6101

August 5, 2004

Held _____

Alice Kennedy said there is a discrepancy in acreage from this permit to consent decree. She said Rumpke's Brown County landfill had major permit violations in July 2003. The steps taken to correct the problem seemed reasonable, but it took too long. These are the same permits in Colerain Township and they should not receive new permits until current permits can be followed. She wants the OEPA to guarantee the enforcement.

Karen Stephenson said the Ohio EPA's website talks about a high regard for public involvement, but she does not feel this is true. When she received information about the draft PTI in June, it said that the director was planning to recommend approval. How can our comments really be received tonight? In light of the leak the end of June, she asked why Rumpke did not offer a public meeting on the issue or post information on the website. We should not receive this information from TV or newspapers, but from the applicant. A health study should be conducted. She would like to know why no notice of violation was issued. With knowledge of the leak, permits should have been suspended. Why was there no hearing on the leak? We as residents should have been the first to know. She requested that the financial bonds and closure plans be made public. The Township and residents should not be financially responsible.

Caren Whitcomb said she has very real concerns about the permits. No health studies have been done. The leak resulted in ammonia and Rumpke did not notify the near-by residents. A landfill owner can't expand at one location when in violation at another location. The community is polluted. The EPA collecting fines does not help Colerain Township. She demanded local reparations to establish a local oversight group. She wants \$100,000 in local reparations. Will Rumpke provide these funds?

Virginia Woyke said OEPA should deny the permit to install because it does not have the community's best interest at heart.

Ruth Breach of the Ohio Citizen Action Fund works on good neighbor campaigns, with an emphasis on public health safety. She said that win-win situations are possible. She is not impressed with OEPA's public hearing policy. It is irresponsible to approve a permit until a solution is found for the leaks. The OEPA should take initiative and further communication. She suggested that the company should meet with the community.

Craig Fissell said OEPA should reject the proposals. The incident that just happened should be enough to need to start process over again. OEPA should consult with the Township as much as Rumpke officials. OEPA should also work with Zoning so that they have knowledge of how the landfill affects the area. There is no testing of sediments on Colerain Ave. This should be done between Struble and I-275 along Colerain Ave.

Terry Lyons said the blight in our land that grows like cancer. Rumpke devaluates the land around them and they buy it up. In the future, they can make the case for even further expansion. The state and county are remiss in their duties. We need politicians to listen to us, not to the business people. No one wants this in our back yard, but we have it. She said a citizen group should be established.

**RECORD OF PROCEEDINGS
SPECIAL**

Minutes of _____

Meeting _____

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6101

August 5, 2004

Held _____

Jeff Lier asked why and how someone could ruin our property value and get away with it. OPEA should be answering questions. The problem needs to be resolved. The water is dangerous. There are pollutants in the ground water. What tragedy will happen next? The permitting process should start over. People need to band together and solve this problem as it is not something that just occurred yesterday. It is time for the OEPA to do something, not just talk about it.

Bill Margrave has lived for 44 years on Hughes Road. The permit says the landfill may not be closer than 1000 feet from a residence. His home is 650 feet from the landfill. The permit also says the landfill can not be located within 200 feet of a stream. The stream is 10-15 feet from the road, which is 10-15 feet from the retaining wall.

Katherine Thiemann said that the EPA says they can not address "that," they can not control the fumes from trucks, or dust and noise. They are not controlling much, about 50% of the job. They should be telling legislators what they need to fully protect the citizens. Butler County enjoys the best of two worlds because they enjoy the economic benefits and none of the environmental hardships. She finds this insulting.

Bernie Fiedeldej said he is speaking on his own behalf, and does not represent the other two trustees. In January 2004, an article appeared in *The Cincinnati Enquirer* about Ohio's waterways being more polluted. The majority of Ohio's rivers are considered impaired and on most days are not safe for recreational uses. An editorial in the *Enquirer*, also in January, said Ohio EPA report on Ohio's polluted waterways is a case of collective guilt. The 242 watersheds and 211 rivers which do not meet federal water quality standards include the Great Miami watershed and the Great Miami River. OEPA's March 14, 2003, notice for NPDES permit said the discharge from this facility if approved would degrade the water quality of Bank Lick Creek and the Great Miami River. He realizes the OEPA must process the permit. OEPA does not need to grant this permit as it is a request from the property owner to pollute the area. Colerain Township has two parks on the Great Miami River. Colerain Township and other townships have passed resolutions to seek scenic river status. We are trying to improve the river for economic and recreational purposes. He can not believe that we can knowingly add pollution to the river.

The Public Hearing concluded at 9:30 PM. Ms. Aman reminded attendees that written comments are accepted through August 16:

For draft solid waste permit:
OHIO EPA Division of Solid and Infectious Waste Management
Attn: Systems Management Unit
P.O. BOX 1049
Columbus, OH 43216-1049

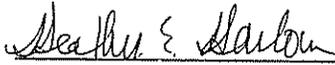
For proposed wastewater permit modification:
Ohio EPA
Division of Surface Water
Permits Processing Unit
Lazarus Govt. Center
P.O. Box 1049
Columbus, OH 43216-1049

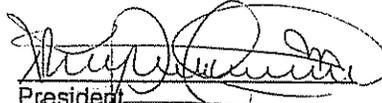
August 5, 2004

Held _____

ADJOURNMENT

Mrs Rielage motioned to adjourn the meeting and Mr Fiedeldey seconded
Mrs Rielage. "Aye"
Mr Fiedeldey. "Aye."
Mr Corman. Absent


Clerk


President