

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7
11201 RENNER BOULEVARD
LENEXA, KANSAS 66219**

IN THE MATTER OF:

Advanced Disposal Services
Maple Hill Landfill, Inc.
31226 Intrepid Road
Macon, Missouri 63552

RESPONDENT.

Docket No. CAA-07-2015-0018

**ADMINISTRATIVE COMPLIANCE
ORDER ON CONSENT**

ADMINISTRATIVE COMPLIANCE ORDER ON CONSENT

This Administrative Compliance Order on Consent ("Order" or "AOC") is entered into by the United States Environmental Protection Agency ("EPA") and Advanced Disposal Services Maple Hill Landfill, Inc. ("Advanced Disposal" or "Respondent"). This Order is issued under the authority vested in the Administrator of the EPA by Section 113(a) of the Clean Air Act ("the Act"), 42 U.S.C. § 7413(a)(3), as amended.

On the EPA's behalf, Becky Weber, Director of the Air and Waste Management Division, EPA Region 7, is delegated the authority to issue this Order under Section 113(a) of the Act.

Advanced Disposal is a "person" as defined in Section 302(e) of the Act, 42 U.S.C. 7602(e).

EPA hereby issues an order requiring Advanced Disposal to comply with the requirements set forth below. All activities specified below shall be initiated and completed within the maximum time periods for their completion as specified herein. The terms of this AOC shall not be modified except by a subsequent written agreement between the parties.

I. STATUTORY AND REGULATORY BACKGROUND

1. The Clean Air Act was enacted to protect and enhance the quality of the nation's air resources so as to promote the public health and welfare and the productive capacity of its population. Section 101(b)(1) of the Act, 42 U.S.C. § 7401(b)(1).
2. The Clean Air Act requires the Administrator of EPA ("Administrator") to publish a list of categories of stationary sources that cause or significantly contribute to air pollution which

may reasonably be anticipated to endanger public health or welfare. Section 111(b)(1)(A) of the Act, 42 U.S.C. § 7411(b)(1)(A). The Administrator has identified municipal solid waste landfills as one such category.

3. The Clean Air Act requires the Administrator to promulgate regulations establishing federal standards of performance for new sources of air pollutants within each category. Section 111(b)(1)(B) of the Clean Air Act, 42 U.S.C. § 7411(b)(1)(B). "New sources" are defined as stationary sources constructed or modified after the publication of regulations or proposed regulations prescribing a standard of performance applicable to such source. Section 111(a)(2) of the Clean Air Act, 42 U.S.C. § 7411(a)(2). These standards are known as the "New Source Performance Standards," or "NSPS."

4. Pursuant to the Clean Air Act, the Administrator promulgated New Source Performance Standards regulations for municipal solid waste landfills that were constructed or modified on or after May 30, 1991. These NSPS regulations are found at 40 C.F.R. Part 60, Subpart WWW, §§ 60.750-60.759 (the "Landfill NSPS").

5. Pursuant to the Landfill NSPS, 40 C.F.R. § 60.752(b), an owner or operator of a municipal solid waste landfill that has a design capacity equal to or greater than 2.5 million megagrams (Mg) and 2.5 million cubic meters, shall either comply with 40 C.F.R. § 60.752(b)(2) or calculate a nonmethane organic compound (NMOC) emission rate for the landfill using the procedures specified in 40 C.F.R. § 60.754.

6. Pursuant to the Landfill NSPS, 40 C.F.R. § 60.754(a)(3), an owner or operator of a municipal solid waste landfill shall determine the NMOC concentration using the following sampling procedure. The landfill owner or operator shall install at least two sample probes per hectare of landfill surface that has retained waste for at least 2 years. If the landfill has an active or passive gas removal system in place, Method 25 or 25C samples may be collected from these systems instead of surface probes provided the removal system can be shown to provide sampling as representative as the two sampling probe per hectare requirement. For active collection systems, samples may be collected from the common header pipe before the gas moving or condensate removal equipment. For these systems, a minimum of three samples must be collected from the header pipe.

II. DEFINITIONS

7. Unless otherwise defined herein, terms used in this AOC shall have the meaning given to those terms in the Act and the implementing regulations promulgated thereunder.

III. FACTUAL BACKGROUND

8. The Advanced Disposal Services Maple Hill Landfill, located at 31226 Intrepid Road, Macon, Missouri, is a "municipal solid waste landfill" within the meaning of the Landfill NSPS. 40 C.F.R. § 60.751.

9. During the period from approximately November 20, 2012, until the present, Respondent was an "owner or operator" of Maple Hill Landfill within the meaning of Sections 111(a)(5) and 112(a)(9) of the CAA, 42 U.S.C. §§ 7411(a)(5) and 7412(a)(3), and 40 C.F.R. §§ 60.2 and 63.2.

10. On April 11, 2014, Respondent sent a Tier 2 sampling report of the Maple Hill Landfill to EPA and the Missouri Department of Natural Resources (MDNR). The samples were collected from the Maple Hill Landfill February 27, 2014 and analyzed March 4th and 7th, 2014.

11. On June 26, 2014, EPA issued a CAA Section 114 Information Request to Respondent to determine the CAA compliance status of the Maple Hill Landfill.

12. On August 29, 2014, Respondent provided a timely response to the CAA Section 114 Information Request.

13. Respondent is required to install, and collect samples from, at least two sample probes per hectare of landfill surface that has retained waste for at least 2 years. In lieu of this requirement, Respondent may collect three samples from the common header pipe if an active or passive gas removal system has been installed and can be shown to provide sampling as representative as the two samples collected per hectare requirement.

14. During the February 27, 2014 Tier 2 sampling of the Maple Hill Landfill, Respondent elected to collect three samples from the common header pipe of the installed gas collection system.

15. Respondent documented that gas collectors in Phases 1 and 2 of the Maple Hill Landfill were disconnected from the gas collection system due to water infiltration prior to the February 27, 2014, Tier 2 sampling event. Respondent's records show Respondent did not conduct said sampling event in all four phases of the landfill, which have retained waste for at least two years. Respondent neither admits nor denies this allegation.

16. After review of the CAA Section 114 Information Request response from Respondent, the EPA determined that collecting samples from the common header pipe of the gas collection system was not as representative as installing probes and collecting at least two samples per hectare of landfill surface that retained waste for at least two years as set forth in 40 C.F.R. § 60.754(a)(3).

17. Following up an October 20, 2014 meeting and a December 10, 2014 conference call between EPA and Respondent, Respondent submitted a Tier 2 Sampling Work Plan to EPA by the agreed upon date of December 19, 2014.

18. On March 5, 2015, Respondent received EPA's comments on the Tier 2 Sampling Work Plan.

19. On March 27, 2015, Respondent submitted to EPA a Revised Tier 2 Sampling Work Plan (Respondent's March 27, 2015, Work Plan).

IV. FINDINGS

20. EPA finds that Respondent failed to comply with the Landfill NSPS for not properly collecting at least three samples from the common header pipe of its active gas removal system, which was at least as representative of the two sampling probe per hectare requirement as set forth in 40 C.F.R. § 60.754(a)(3).

21. EPA finds that for the reasons set forth above, Respondent has failed to comply with Section 111 of the Act, 42 U.S.C. § 7411 and the Act's implementing regulations for a period beginning on February 27, 2014.

22. EPA finds that Respondent will remain in non-compliance as set forth herein until it establishes continuous compliance with the above-cited requirements. Respondent neither admits nor denies these findings.

V. COMPLIANCE ORDER

Pursuant to Section 113(a)(3)(B) of the Act, 42 U.S.C. 7413(a)(3)(B), EPA hereby issues an order requiring Respondent to comply with the requirements set forth below:

23. On March 27, 2015, Respondent submitted to EPA a Revised Tier 2 Sampling Work Plan. EPA will review the plan and if Respondent's March 27, 2015, Work Plan meets the requirements of 40 C.F.R. § 60.754(a)(3), EPA will notify Respondent, and Respondent will proceed with the Tier 2 sampling in accordance with paragraph 25 below. If EPA determines that Respondent's March 27, 2015, Work Plan does not meet the requirements of 40 C.F.R. § 60.754(a)(3), then EPA will request modification of the plan.

24. Within 30 days of receipt of any comments and/or request for modification from EPA, Respondent shall submit a revised sampling work plan, which fully addresses all of EPA's comments and/or requests for modification. EPA may approve the revised submittal, or modify and then approve the submittal.

25. Within 45 days of receipt of notice of EPA's approval, or modification and approval of the sampling work plan, Respondent will conduct the Tier 2 sampling in accordance with the requirements of 40 C.F.R. § 60.754(a)(3) and the approved work plan.

26. If Respondent is unable to prepare a sampling plan that meets the requirements of 40 C.F.R. 60.754(a)(3), then EPA shall require Respondent to collect two samples per hectare as required at 40 C.F.R. § 60.754(a)(3). If EPA requires Respondent to collect two samples per hectare, Respondent must modify the sampling plan to reflect the change, and submit said plan to EPA within 30 days of EPA notification. Respondent must collect two samples per hectare within 45 days from submittal of the sampling plan to EPA.

27. No later than 30 days after the Tier 2 sampling, Respondent shall submit a complete report with the sampling analysis to the EPA representative identified in paragraph 36 below.

28. If analysis of Tier 2 samples determine that the NMOC emission rate is equal to or greater than 50 megagrams per year, then no later than 30 days from submission of the final Tier II Sampling report, Respondent shall 1) begin monitoring the existing in-place active gas extraction wells in accordance with 40 C.F.R. § 60.756(a); and, 2) begin conducting surface emission monitoring in all areas of the landfill with existing in-place active gas extraction wells in accordance with applicable sections of 40 C.F.R. §§ 60.755 and 60.756(f).

29. If analysis of Tier 2 samples determine that the NMOC emission rate is equal to or greater than 50 megagrams per year, then Respondent shall submit copies of the completed well monitoring data and surface emission monitoring reports required by Paragraph 28 above demonstrating compliance with applicable sections of 40 C.F.R. §§ 60.755, and 60.756(a),(f), no later than 30 days from completion of respective monitoring events.

30. If analysis of Tier 2 samples determine that the NMOC emission rate is equal to or greater than 50 megagrams per year, then no later than 365 days from the execution of this AOC, Respondent shall install any additional well(s) in each area, cell, or group of cells in the landfill in accordance with 40 C.F.R. § 60.755(b)(1) and (2).

31. If analysis of Tier 2 samples determine that the NMOC emission rate is equal to or greater than 50 megagrams per year, Respondent shall demonstrate compliance with 40 C.F.R. § 60.755(b) and provide the required documentation to EPA for the landfill where wells are not currently located, but newly installed, within 90 days from completion of final well installation in these areas, but no later than 365 days from the execution of this AOC.

32. If analysis of Tier 2 samples determine that the NMOC emission rate is equal to or greater than 50 megagrams per year, then Respondent shall demonstrate compliance with all applicable reporting and recordkeeping requirements as set forth in 40 C.F.R. §§ 60.757, 60.758 no later than 365 days from the execution of this AOC.

A. Review and Approval of Submitted Documents

33. Unless otherwise provided herein, the provisions of this paragraph shall apply to EPA's review and approval of documents submitted pursuant to this Order. Upon receipt of a document subject to this paragraph, the EPA shall approve the document, approve the document with comments, or disapprove the document with comments. If the document is approved with comments, Respondent may proceed with any actions required by the document but must incorporate EPA's comments and resubmit the document within twenty (20) days of receipt of comments. If the document is disapproved, Respondent shall incorporate any comments within twenty (20) days of Respondent's receipt of such comments and resubmit the document. The EPA shall review the revised document and shall approve, approve with comments, or disapprove the document.

B. Submittals

34. Every 90 days following entry of this Order, Respondent shall provide progress reports to EPA detailing actions Respondent has taken in furtherance of its obligations under this Order. Upon completion of each requirement detailed in paragraphs 23 through 32 above, Respondent shall provide verification in the progress report indicating that the requirement has been satisfied. Respondent's obligation under this paragraph shall continue until submission of the Certified Completion report as required by paragraph 35 of this Order.

35. Within 30 days of the completion of the requirements of paragraphs 23 through 32, Respondent shall submit a Certified Completion report to EPA indicating that Respondent has completed and complied with each of the requirements of this Order.

36. All documents required to be submitted to EPA by this Order shall contain the following certification, signed by an officer of Respondent:

I certify under penalty of law that I have examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment. I certify that I am authorized to enter into the terms and conditions of this Order to execute and bind legally the Respondent to this document.

The submissions required by the above paragraphs and subparagraphs shall be made to:

Gary Bertram
Air Permitting & Compliance Branch
U.S. EPA Region 7
11201 Renner Boulevard
Lenexa, Kansas 66219.

37. To the extent this Order requires Respondent to submit any information to the EPA, Respondent may assert a business confidentiality claim covering part or all of that information, but only to the extent and only in the manner described in 40 C.F.R. Part 2, Subpart B. The EPA will disclose information submitted under a confidentiality claim only as provided in 40 C.F.R. Part 2, Subpart B. If Respondent does not assert a confidentiality claim, the EPA may make the submitted information available to the public without further notice to Respondent.

C. Modification of this AOC

38. If at any time during the implementation of the work described in paragraphs 23-32, Respondent identifies a need for a compliance date or schedule modification, Respondent shall submit a memorandum documenting the need for the modification to the EPA representative

identified in paragraph 36 above. EPA in its discretion will determine if the modification or revision is warranted and may provide written approval or disapproval. Any approved modified compliance date or schedule modification shall be incorporated by reference into this AOC.

39. Except for modification of any compliance date or schedule as provided for in paragraph 38, this AOC may only be modified by the mutual agreement of EPA and Respondent. The agreed modifications shall be in writing and signed by both parties. The effective date of any modification shall be the date on which it is signed by EPA. Any such written modification shall be incorporated into this AOC.

40. No informal advice, guidance, suggestion, or comment by EPA regarding reports, plans, specifications, schedules, or any other writing submitted by Respondent shall relieve Respondent of its obligation to obtain such formal approval as may be required by this AOC, and to comply with all requirements of this AOC unless it is modified in accordance with this Section. Any deliverables, plans, technical memoranda, reports, specifications, schedules and attachments required by this AOC are, upon approval by EPA, incorporated into and enforceable under this AOC.

D. Potential Liability

41. Section 113(a)(3) of the Act grants EPA the authority to issue an order to any person found in violation of the Act and the regulations promulgated pursuant thereto.

42. Any violation of this Order may result in a civil administrative or judicial action for an injunction or civil penalties of up to \$37,500 per day per violation, or both, as provided in Sections 113(b)(2) and 113(d)(1) of the Act, 42 U.S.C. § 7413(b)(2) and § 7413(d)(1), as well as criminal sanctions as provided in Section 113(c) of the Act, 42 U.S.C. § 7413(c). The EPA may use any information submitted under this Order in an administrative, civil judicial, or criminal action.

43. Nothing in this Order shall relieve Respondent of the duty to comply with all applicable provisions of the Act or other federal, state, or local laws or statutes, nor shall it restrict the EPA's authority to seek compliance with any applicable laws or regulations, nor shall it be construed to be a ruling on, or determination of, any issue related to any federal, state, or local permit.

44. Respondent waives any and all remedies, claims for relief, and otherwise available rights to judicial or administrative review that Respondent may have with respect to any issue of fact or law set forth in this Order, including any right of judicial review under Section 307(b)(1) of the Act, 42 U.S.C. § 7607(b)(1).

45. Nothing herein shall be construed to limit the power and authority of EPA to undertake any action against Respondent or any person in response to conditions that may present an imminent and substantial endangerment to the public health, welfare, or the environment.

46. The provisions of this Order shall apply to and be binding upon Respondent and its officers, directors, employees, agents, trustees, servants, authorized representatives, successors, and assigns. From the Effective Date of this Order until the Termination Date as set out in paragraph 50 below, Respondent must give written notice and a copy of this Order to any successors in interest prior to any transfer of ownership or control of any portion of or interest in the Advanced Disposal Services Maple Hill Landfill. Simultaneously with such notice, Respondent shall provide written notice of such transfer, assignment, or delegation to the EPA. In the event of any such transfer, assignment, or delegation, Respondent shall not be released from the obligations or liabilities of this Order unless the EPA has provided written approval of the release of said obligations or liabilities.

47. This Order shall not constitute or be construed as a release of any liability that the Respondent or any other person has under the Act, the Safe Drinking Water Act, 42 U.S.C. §§ 300f to 300j-26, the Clean Water Act, 33 U.S.C. §§ 1251-1387, the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. §§ 9601-9675, the Emergency Planning and Community Right to Know Act of 1986, 42 U.S.C. §§ 11001-11050, or any other law. EPA does not, by its consent to the entry of this Order, warrant or aver in any manner that Respondent's compliance with any aspect of this Order will result in compliance with provisions of the Act, SDWA, CWA, CERCLA, RCRA, or EPCRA, or with any other provisions of federal, state, or local laws, regulations, or permits. EPA also reserves all of its rights to obtain access to the Facility and require Respondent's submission of information to EPA.

E. Effective Date: Opportunity For A Conference

48. Pursuant to Section 113(a)(4) of the Act, an Order does not take effect until the person to whom it has been issued has had an opportunity to confer with the EPA concerning the alleged violations. By signing this Order, Respondent acknowledges and agrees that it has been provided an opportunity to confer with the EPA prior to issuance of this Order. Accordingly, this Order will take effect immediately upon signature by the latter of Respondent or the EPA. Signature of the Order by Respondent shall indicate that Respondent neither admits nor denies the findings in Section IV of this Order.

49. Any inquiries regarding this Order shall be addressed to:

Julie L. Murray
Assistant Regional Counsel
U.S. Environmental Protection Agency, Region 7
11201 Renner Boulevard
Lenexa, Kansas 66219
Phone: (913) 551-7448
Fax: (913) 551-7925

F. Termination

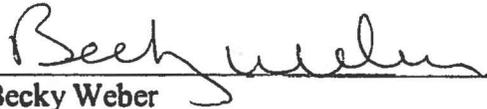
50. This Order shall terminate on the earlier of the following (the "Termination Date") at which point Respondent shall operate in compliance with the Act:

- a. One year after the Effective Date of this Order;
- b. The effective date of any determination by the EPA that Respondent has achieved compliance with all terms of this Order; or
- c. Immediately upon receipt by Respondent of notice from the EPA finding that an imminent and substantial endangerment to public health, welfare, or the environment has occurred.

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FOR THE U.S. ENVIRONMENTAL PROTECTION AGENCY:

Date: 7/30/15



Becky Weber
Director
Air and Waste Management Division
U.S. Environmental Protection Agency
Region 7

FOR THE RESPONDENT:

Advanced Disposal Services, Maple Hill Landfill, Inc.
Macon, Missouri

Date:

July 20, 2015

Name:

Jay R. Wadzinski

Title:

DIRECTOR OF LANDFILL OPERATIONS