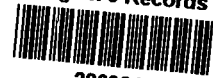




State of Ohio Environmental Protection Agency
Southwest District

EPA Region 5 Records Ctr.



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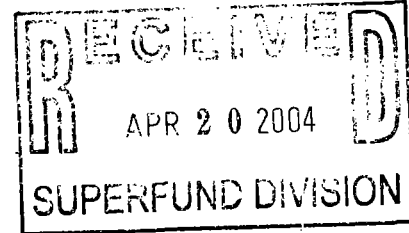
401 East Fifth Street
Dayton, Ohio 45402-2911

TELE: (937) 285-6357
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CERTIFIED MAIL

April 13, 2004

Mr. Tom Danis
Tremont City Landfill Company
2 Riverplace, Suite 400
Dayton, Ohio 45405



NOTICE OF VIOLATION

Re: April 7 & 8, 2004 Inspections of Tremont City Landfill

Dear Mr. Danis:

This letter serves to document the inspection of the closed Tremont City Landfill conducted on April 7, 2004 and April 8, 2004. The following representatives from Ohio EPA were present: Joleen Cook, Michael Schroeder, Russ Brown from the Southwest District Office (SWDO) and Brian Queen from the South East District Office.

Ohio EPA conducted these inspections to determine the owner and operator's compliance with Ohio Revised Code (ORC) Chapter 3734, Ohio Administrative Code (OAC) Chapter 3745-27 as they pertain to the surface water management system, the leachate management system, and the landfill gas extraction system. Compliance with violations contained within the Clark County Board of Health Order and subsequent Notices of Violation issued by the Clark County Health Department was not checked during these visits.

During this inspection, Ohio EPA representatives observed numerous violations of Ohio's solid waste laws and regulations. Ohio EPA remains concerned about the ongoing nature of these violations, several of which have persisted for long periods of time and continue to be unresolved.

1. On April 7, 2004 and April 8, 2004, the Ohio EPA observed that the depth of leachate in the central collection sump was approximately 5 feet. According to the Tremont City Landfill authorizing documents, the central collection sump pump and its pumping schedule were designed to prevent leachate from accumulating at depths in excess of 1 foot over the recompacted clay liner. That is, the central collection sump pump is supposed to turn "on" when the leachate depth reaches 3 feet from the bottom of the sump and turn "off" when the depth is reduced to 1 foot.



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Bob Taft, Governor
Jennette Bradley, Lt. Governor
Christopher Jones, Director

The owner and operator's failure to maintain the leachate management system is a violation of OAC Rule 3745-27-14 (A)(1), which states in part:

"The owner or operator shall conduct post-closure care activities at the sanitary landfill facility for a minimum of thirty years. Post-closure care activities shall include, but are not limited to, continuing operation and maintenance of the leachate management system".

The owner and operator's failure to ensure proper operation of the leachate management system is a violation of OAC Rule 3745-27-08 (B)(3)(a), which states in part:

"The leachate collection system shall be constructed and designed to prevent clogging and crushing of the system and to maintain less than one foot depth of leachate over the composite liner".

The owner and operator are required to take immediate action to correct all leachate pumping problems.

2. As indicated above, Ohio EPA conducted two site visits, one on April 7, 2004 and one on April 8, 2004. Ohio EPA observed the depth of leachate in the central collection sump to be unchanged during this 24 hour period and the volume of leachate in the holding tanks to also be unchanged during this 24 hour period. Based on the depth of leachate in the sump, it appears that the leachate pump was inoperable and therefore, not pumping leachate to the holding tanks.

The owner and operator's failure to maintain the leachate management system is a violation of OAC Rule 3745-27-14 (A)(1), which states in part:

"The owner or operator shall conduct post-closure care activities at the sanitary landfill facility for a minimum of thirty years. Post-closure care activities shall include, but are not limited to, continuing operation and maintenance of the leachate management system".

The owner and operator are required to repair the leachate pump in the central collection leachate sump and ensure the system is operating as stated in the approved plan.

3. On April 7, 2004 and April 8, 2004, Ohio EPA noted an exposed length of black HDPE pipe, part of the landfill gas-to-energy project, on both the eastern and western sides of the landfill. This pipe is supposed to be buried in the top few feet of the cap vegetative layer, but is now exposed. In addition, landfill gas was observed bubbling through the standing water (leachate) in the area on the east side of the landfill. Odors were detected downwind of this area on both the east and west side of the landfill.

The owner and operator's failure to maintain the explosive gas extraction and/or control system is a violation of OAC Rule 3745-27-14 (A)(1), which states in part: *"The owner or operator shall conduct post-closure care activities at the sanitary landfill facility for a minimum of thirty years. Post-closure care activities shall include, but are not limited to, continuing operation and maintenance of the explosive gas extraction and/or control system"*.

The owner and operator are required to take immediate action to properly maintain the explosive gas extraction and/or control system.

4. On April 7, 2004 and April 8, 2004, Ohio EPA noted significant areas of ponded water in the surface water management channels on both the east and west sides of the landfill.

The owner and operator's failure to maintain the surface water management system is a violation of OAC Rule 3745-27-14 (A)(1), which states in part: *"The owner or operator shall conduct post-closure care activities at the sanitary landfill facility for a minimum of thirty years. Post-closure care activities shall include, but are not limited to, continuing operation and maintenance of the surface water management system"*.

The owner and operator's continued failure repair these ponded areas is a violation of OAC Rule 3745-27-14 (A)(2), which states in part: *"The owner or operator shall conduct post-closure care activities at the sanitary landfill facility for a minimum of thirty years. Post-closure care activities shall include, but are not limited to, maintaining the integrity and effectiveness of the cap system, including making repairs to the cap system as necessary to correct the effects of settling, dead vegetation, subsidence, erosion, leachate outbreaks, or other events, and preventing run-on and run-off from eroding or otherwise damaging the cap system"*.

The owner and operator are required to take immediate action to repair all ponded areas of water in the surface water management channels on the cap.

5. On April 7, 2004 and April 8, 2004, Ohio EPA observed that the grass at the facility is not maintained and there are several locations where the grass is dead or stressed. The effectiveness of the perennial grass cover as an erosion control mechanism is related to maintaining proper height and replacing dead vegetation.

The owner and operator's failure to properly maintain the vegetation is a violation of OAC Rule 3745-27-14 (A)(2), which states in part: *"The owner or operator shall conduct post-closure care activities at the sanitary*

landfill facility for a minimum of thirty years. Post-closure care activities shall include, but are not limited to, maintaining the integrity and effectiveness of the cap system, including making repairs to the cap system as necessary to correct the effects of settling, dead vegetation, subsidence, erosion, leachate outbreaks, or other events, and preventing run-on and run-off from eroding or otherwise damaging the cap system.

The owner and operator are required to take immediate action to properly maintain the vegetative erosion control system on the cap.

6. On April 7, 2004 and April 8, 2004, Ohio EPA observed shallow localized slope failures in several areas along the west slope both north and south of the west sump. In addition, a "utility cut" or "trench" or area of subsidence was observed on the west slope immediately below an area of ponded water in the upper surface water management channel.

The owner and operator's failure to properly maintain the integrity of the cap is a violation of OAC Rule 3745-27-14 (A)(2), which states in part:

"The owner or operator shall conduct post-closure care activities at the sanitary landfill facility for a minimum of thirty years. Post-closure care activities shall include, but are not limited to, maintaining the integrity and effectiveness of the cap system, including making repairs to the cap system as necessary to correct the effects of settling, dead vegetation, subsidence, erosion, leachate outbreaks, or other events, and preventing run-on and run-off from eroding or otherwise damaging the cap system."

The owner and operator are required to take immediate action to properly repair the cap system to ensure its integrity.

7. On April 7, 2004 and April 8, 2004, Ohio EPA noted landfill gas bubbling through the leachate/ponded water on the surface water bench north and downslope of the central collection leachate sump. Based on our knowledge of the construction of this portion of the landfill coupled with recent measurements of leachate levels in the sump, we believe this ponded liquid to be leachate. This ponding of leachate has been observed by Ohio EPA on several earlier visits in 2004 and it is flowing into the surface water channels.

The owner and operator's failure to repair the leachate outbreak is a violation of OAC Rule 3745-27-14 (A)(3), which states in part:

"The owner or operator shall repair any leachate outbreaks detected at the sanitary landfill facility by doing the following.

- (a) Contain and properly manage the leachate at the sanitary landfill facility.

- (b) *If necessary, collect, treat, and dispose of the leachate, including, if necessary, following the contingency plan for leachate storage and disposal prepared pursuant to Rule 3745-27-19 of the Administrative Code.*
- (c) *Take action to minimize, control, or eliminate the conditions which contribute to the production of leachate.*

The owner and operator are required to take immediate action to repair this leachate outbreak.

8. On April 7, 2004 and April 8, 2004, Ohio EPA observed the west sump to be full and overflowing into the surface water channels.

The owner and operator's failure to manage the leachate in the west sump is a violation of OAC Rule 3745-27-14 (A)(3), which states in part:

"Repairing any leachate outbreaks detected at the sanitary landfill facility by doing the following:

Contain and properly manage the leachate at the sanitary landfill facility.

If necessary, collect, treat, and dispose of the leachate, including, if necessary, following the contingency

plan for leachate storage and disposal prepared pursuant to rule 3745-27-19 of the Administrative Code.

Take action to minimize, control, or eliminate the conditions which contribute to the production of leachate.

The owner and operator are required to ensure that the leachate is regularly removed from the west sump and is not accumulating outside of the sump.

9. Please be advised that the above observations noted in 6 and 7 constitute violations of Ohio Revised Code (ORC) Chapter 6111.04, which states in part, "(1) No person shall cause pollution or place or cause to be placed any sewage, sludge, sludge materials, industrial waste, or other wastes in a location where they cause pollution of any waters of the state. (2) Such an action prohibited under division (A)(1) of this section is hereby declared to be a public nuisance." This is also a violation of Ohio Administrative Code (OAC) Rule 3745-1-04, regarding criteria applicable to all waters which states in part, "The following general water quality criteria shall apply to all surface waters of the state including mixing zones. To every extent practical and possible as determined by the director, these waters shall be: (A) Free from suspended solids or other substances that enter the waters as a result of human activity and that will settle to form putrescent or otherwise objectionable sludge deposits, or that will adversely affect aquatic life; (B) Free from floating debris, oil scum and other floating materials entering the waters as a result of human activity in amounts sufficient to be unsightly or cause degradation; ©) Free from materials

Mr. Tom Danis
April 13, 2004
Page 6

entering the waters as a result of human activity production color, odor, or other conditions in such a degree as to create a nuisance."

The above violations must be corrected immediately to ensure compliance with ORC Chapter 6111.

Achieving compliance with the requirements outlined in this letter shall not relieve you of your obligation to comply with other rules and regulations, including, but not limited to, Ohio Revised Code Chapters 3704, 3714, 3734, or 6111 or requirements established by the Federal Clean Water Act, Clean Air Act, Comprehensive Environmental Response, Compensation, and Liability Act, or Resource Conservation and Recovery Act.

If you have any questions or comments, please contact this office at (937) 285-6071.

Sincerely,



Joleen Cook

cc: Joe Clark, President, German Township Trustees
Shaun Petersen, Ohio Attorney General's Office
Maria Lammers, Ohio EPA, DSIWM/SWDO
Maria Cruset, RAPCA
Ed Gortner, Ohio EPA, DSIWM/CO
Ron Murawski, USEPA
Michael W. Krumholtz, Attorney, Bieser, Greer, and Landis
Thomas T. Terp, Attorney, Taft, Stettinius, and Hollister
Anne Kaup-Fett, R.S., Clark County Health Department

JC/rff