



State of Ohio Environmental Protection Agency

Southeast District Office

2195 Front Street
Logan, Ohio 43138

TELE: (740) 385-8501 FAX: (740) 385-6490
www.epa.state.oh.us

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

August 29, 2007

Re: Belmont County
Tri-State Asphalt Fly Ash Landfill
Tri-State Group, Inc. & Glenn Straub
Compliance Evaluation Inspection
NPDES Permit 01N00107*AD
Correspondence (IWW)

Tri-State Group, Inc.
c/o Mr. Glenn Straub
56290 Dilles Bottom Road
Shadyside, Ohio 43947

and

Mr. Glenn Straub
56290 Dilles Bottom Road
Shadyside, Ohio 43947

Dear Mr. Straub:

On August 9, 2007, Jane Jacobs of the Division of Drinking and Ground Water, and I inspected the Tri-State Asphalt Flyash Landfill site, owned and operated by Tri-State Group, Inc. (TSG) and Glenn Straub. Mike Waldo, a representative of TSG, was unable to attend the inspection at the last minute, therefore Donna McClellan, Office Manager, represented TSG on the inspection.

The purpose of the inspection was to determine the status of compliance of the site with the judgment issued September 2, 2003 in State of Ohio vs. Tri-State Group, Inc., et al., Case No. 00 CV 0180 (2003 Judgment) and the NPDES permit, state number 01L00107*AD. As set forth in the 2003 Judgment, TSG and Glenn Straub, individually, are jointly severally liable for the compliance requirements set forth in the 2003 Judgment. TSG and Glenn Straub were found to be in non-compliance at the time of the inspection for failure to meet the requirements of the 2003 Judgment.

The following comments are made as a result of the inspection and file review:

A. Inspection

1. Since the last inspection on June 1, 2006, the only work that was observed to have been done is that concrete block has been dumped at the outlet of the culvert on the northwest corner of the flyash disposal area to control the erosion that was occurring. The culvert outlet appears to be stabilized.

2. There were several areas where water was pooled on the surface of the ground. One is along the dam, one is up on the flat area in the northwest section of the landfill, and one is the road that runs through the landfill. These areas need to be graded so that they do not pool water (which promotes seepage into the fill and the creation of leachate).
3. It was not observed that any additional topsoil has been placed. The material on the surface appears to be a gravel to sand mixture except in a small area where topsoil had been placed prior to the 2006 inspection. The vegetation on site is mostly annual weeds, and most of the area is only sparsely covered. Topsoil is available on-site. Topsoil needs to be placed over the entire area that has not been topsoiled and seeded and mulched. See attached photographs.
4. At the pond site, the vegetation has improved in that it is no longer sparse. However, it is still only weeds. This area needs to be reseeded and mulched with a permanent grass mixture.
5. There are 3 new ground water monitoring wells located on the site. These wells need to be shown on a current map, and addressed in the Groundwater Monitoring Plan when it is submitted, as required by the 2003 Judgment.
6. Well #6 needs to be provided with an inner and outer cap and lock. It is still unprotected.
7. On the site, near Route 7, a partially constructed well is open to the atmosphere. There is no well cap or protective casing. This open well is subject to vandalism and is a threat to the aquifer. The facility must finish the well construction, or properly abandon and seal the well. Proper sealing of all abandoned wells must be documented per the Ohio Revised Code (ORC) Section 1521.05(B). A well sealing report must be submitted to ODNR, Division of Water.

B. 2003 Judgment and August 2007 Judgment Compliance

1. Section II, page 3 - The Judgment required TSG and Glenn Straub to submit a Court Ordered Ohio EPA Approved Closure Plan by March 3, 2004. On August 27, 2007, the Court ruled that the document submitted on October 8, 2004 titled "Construction Project Update" (CPU) is not the Court-Ordered Ohio EPA Approved Closure Plan. Therefore, TSG is in violation of the 2003 Judgment for failure to submit the Court Ordered OEPA Approved Closure Plan by March 3, 2004. TSG must submit the Court-Ordered Closure Plan for Ohio EPA's approval. The plan should address the work that has been done at the site and the proposed work to finish closure of the site.
2. In addition, the mandatory requirements on page 3 of the 2003 Judgment that have not been completed adequately are:

- a. Item (C) – there is no description of a soil that will suffice as topsoil for a media to grow an adequate stand of grass for long term cover on this site. Topsoil has not been placed over the site.
- b. Item (D) – there has been no report of the use of fertilizer.
- c. Item (E) – there has been no post closure maintenance plan submitted to assure proper installation and growth of the vegetative cover. This plan must be reviewed prior to the submittal of the final closure certification required by Section III, page 4 of the 2003 Judgment.
- d. Item (F) – the erosion control plan must be submitted and must be updated for additional work to be done.
- e. Item (G) – the leachate control plan must be submitted.
- f. Item (H) - Re-establishment of the groundwater monitoring system has not yet occurred.
- g. Item (I) – the deed restriction must be redone in accordance with the directive of the Judge.

All of these items shall be addressed in the Court-Ordered Ohio EPA Approved Closure Plan.

3. Page 4, Section III - requires that the closure to be completed by September 3, 2004. Closure of this site has not been performed in accordance with the requirements of the Judgment.
4. Page 4, Section III - both the 2003 Judgment on page 4 and the 2007 Judgment Entry on page 2 require a professional engineer to certify that the work at the site is in accord with the Court-Ordered Ohio EPA Approved Closure Plan. The certification must be submitted once the plan is approved and the work is completed.
5. Pages 5 and 6, Section IV - contains requirements for re-establishment of the groundwater monitoring program and the submittal of a hydrogeological investigation report to be submitted by December 2, 2003. TSG and Glenn Straub are not in compliance with this section of the 2003 Judgment.
 - a. Page 5, Item (A) - Completion of a hydrogeological investigation report by a qualified hydrogeologist is required by December 2, 2003. TSG and Glenn Straub must submit an adequate hydrogeological report signed by a qualified hydrogeologist, which must be approved by Ohio EPA.

- b. Page 5, Item (A) – A proper map showing the location of the monitoring wells must be provided. The depth to ground water and the direction of site specific ground water flow at the fly ash landfill must be provided. This information is required prior to designing a monitoring system that is capable of determining upgradient and downgradient water quality.
- c. Page 3, Item (H) - Since an adequate hydrogeological report has not been submitted and approved, the groundwater monitoring system has not been re-established at the site by September 2, 2004 as required by the 2003 Judgment. The previously installed wells MW-4 and MW-5 are destroyed. Well MW-2 is blocked and well MW-1 is shown on historical maps incorrectly and may not reflect up gradient conditions. Although 3 new ground water wells have been installed, these wells were installed without an Ohio EPA approved hydrogeological report. Thus, it cannot be determined if the new wells are capable of determining upgradient and downgradient water quality.
- d. Page 5, Items (B) and (C) - TSG and Glenn Straub have not submitted a ground water monitoring plan as required by the Judgment by February 3, 2004.
- e. Page 5, Item (F) - TSG and Glenn Straub have failed to implement the new Ground Water Monitoring System required to be completed in accordance with the Court Ordered OEPA Approved Closure Plan no later than May 3, 2005.

C. Requirements

1. In order to expedite compliance with the 2007 Judgment Entry, it is strongly recommended that TSG's representatives meet with Jane Jacobs and me to review these requirements as soon as possible. We are available to meet either in the Logan Office or in Belmont County. Please call as soon as possible to schedule this meeting.
2. Within 20 days of receipt of this report, TSG and Glenn Straub shall submit a response to this inspection report addressing each of the items identified above. The response must address how TSG and Glenn Straub intend to comply with each deficiency and provide a schedule including dates by when the deficiency will be rectified.

If you have any questions, please contact me at (740) 380-5284 at your convenience.

Sincerely,



Ms. Abbot Stevenson
Environmental Engineer
Permits and Enforcement Section
Division of Surface Water

AS/dh

Enclosure

- c: Honorable Judge John M. Solovan, II
- c: Larry Zink, Zink Zink & Zink
- c: Tim Kern, AGO
- c: Mark Mann, DSW, CO
- c: Jane Jacobs, DDAGW, SEDO

NPDES
Compliance Inspection Report

A. NATIONAL DATA SYSTEM CODING

Permit No.	NPDES No.	Date	Inspection Type	Inspector	Facility Type
0IN00107*AD	OH0076813	8/9/07	C	S	2

B. FACILITY DATA

Name and Location of Facility Inspected	Entry Time	Permit Effective Date
Tri State Asphalt Flyash Landfill 56290 Dilles Bottom Rd. Shadyside, OH 43947	9:45 am	12/12/1985
	Exit Time	Permit Expiration Date
	11:30 am	12/9/1990

Name(s) and Title(s) of On-Site Representative(s)	Phone Number(s)
Donna McClellan, Office Manager	740/671-9400
Name, Address and Title of Responsible Official	Phone Number
Glenn Straub, President Tri State Group Inc. 7745 Wood Duck Rd., Boca Raton, FL 33434	561/798-7333

C. AREAS EVALUATED DURING INSPECTION

<u>U</u> Permit	<u>NA</u> Flow Measurement	<u>NA</u> Pretreatment
<u>N</u> Records/Reports	<u>N</u> Laboratory	<u>U</u> Compliance Schedules
<u>U</u> Operations & Maintenance	<u>NA</u> Effluent/Receiving Waters	<u>N</u> Self-Monitoring Program
<u>M</u> Facility Site Review	<u>NA</u> Sludge Storage/Disposal	<u> </u> Other
<u>NA</u> Collection System		

(S = Satisfactory; M = Marginal; U = Unsatisfactory; N = Not Evaluated)

D. SUMMARY OF FINDINGS/COMMENTS (attach additional sheets if necessary)

1. Permit – the permit does not reflect current conditions at the site.
2. Operations and Maintenance – see attached letter.
3. Compliance Schedule – permittee is in non-compliance with the schedules contained in the 2003 Judgment.


Abbot Stevenson, Inspector, Ohio EPA, Southeast District Office

8/29/07
Date


Timothy Campbell, Reviewer, Ohio EPA, Southeast District Office

8/29/07
Date