



State of Ohio Environmental Protection Agency

Southwest District

401 East Fifth Street
Dayton, Ohio 45402-2911

TELE: (937)285-6357 FAX: (937)285-6249
www.epa.state.oh.us

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

March 4, 2009

Mr. David Daily
City Manager
City of Eaton
P.O. Box 27
Eaton, Ohio 45320

Re: City of Eaton Closed Landfill, Preble County
Explosive Gas Monitoring
Notice of Violation

Dear Mr. Daily:

On January 8, 2009, the Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM), Southwest District Office (SWDO) issued the City of Eaton (City) a Notice of Violation for failure to conduct gas monitoring and/or submitting explosive gas monitoring results for the City of Eaton Closed Landfill (Facility) located in Preble County. The City responded by letter dated January 15, 2009, stating that a contract with Malcolm and Pirney to manage the gas monitoring/gas cessation request for the landfill was anticipated and that the City was ensured the project would move forward. During the week of January 12th, the City's consultant contacted Ohio EPA to discuss the gas cessation and on January 22, 2009 a conference call was conducted between your consultant and Ohio EPA to discuss the actions needed for the City to cease landfill gas monitoring.

The last methane sampling results submitted to Ohio EPA were from February 20, 2008. The explosive gas monitoring plan which was approved on March 22, 2007 requires methane gas monitoring to be conducted on a semi-annual basis. However, to date the City has failed to conduct and submit further explosive gas monitoring for the City of Eaton Closed Landfill.

The owner/operator failure to comply with the monitoring and reporting procedures in accordance with the approved Explosive Gas Monitoring Plan is a violation of OAC Rule 3745-27-12(E)(4) which states in part:

"Results shall be submitted to the appropriate district office of Ohio EPA and the local health district on a form prescribed by the director. The results shall be submitted within fifteen days of the date of sampling, unless the contingency procedures, pursuant to paragraph (E)(5) of this rule, are being followed."

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This is also a violation of OAC Rule 3745-27-12(E)(1)(c) which states in part:

Permanent monitors and punch bar stations shall be monitored at the following minimum frequencies ... For a sanitary landfill facility subject to paragraph (A)(2) of this rule, semiannually between the end of five years' post-closure and the director's granting authorization under paragraph (G) of this rule to cease monitoring.

If explosive gas monitoring has not occurred at your closed landfill please immediately conduct monitoring and continue monitoring on a semi-annual schedule

Compliance with the requirements outlined in this letter shall not relieve you of your obligation to comply with other legal obligations, including, but not limited to, Chapters 3704, 3714, 3734, or 6111 of the Ohio Revised Code or under the Federal Clean Water Act, Clean Air Act, Comprehensive Environmental Response, Compensation, and Liability Act, or Resource Conservation and Recovery Act remedying conditions resulting from any release of contaminants to the environment.

Please respond in writing within fourteen (14) days of receipt of this letter. If you have any questions, please contact me at (937) 285-6094.

Sincerely,



Jill Oberding
Division of Solid and Infectious Waste Management

cc: Gary Walker, Preble County Health District

JO/plh