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ELDA
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19208

**Environmental
Protection Agency**

Ted Strickland, Governor
Lee Fisher, Lt. Governor
Chris Korleski, Director

CERTIFIED MAIL

January 6, 2011

Ms. Robin Jones
Waste Management, Inc.
Closed Sites Management Group
P.O. Box 13506
Dayton, Ohio 45413

See Binder w/
13 Request for
more

**RE: Notice of Violation
Ohio Administrative Code (OAC) Rule 3745-27-13**

Dear Ms. Jones:

On April 8, 2010, Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM), Southwest District Office (SWDO), issued an OAC Rule 3745-27-13 director authorization to Waste Management, Inc. (WM) for the closed ELDA Landfill (Landfill) in Hamilton County. The authorization was issued to WM to make improvements to upgrade the existing leachate system at the Landfill.

Pursuant to OAC 3745-27-13 (H) all of the following information is to be submitted to Ohio EPA, DSIWM, SWDO:

- Copies of all sample analysis characterizing the waste material as a solid waste or hazardous waste prior to removal from the site
- Copy of a letter of acceptance from the treatment or disposal facility for the waste prior to removal from the site

On December 23, 2010, Ohio EPA, DSIWM, SWDO received correspondence dated December 22, 2010, from WM containing the waste characterization sample analysis, the waste profile and waste approval for disposal documentation of the waste material at the Stony Hollow Landfill. The waste materials had been removed from the Landfill and disposed of between September and November 2010. This disposal occurred without prior submission of the waste characterization and acceptance letter of the waste by a treatment or disposal facility being sent to Ohio EPA, DSIWM, SWDO.

1. This is a violation of the OAC Rule 3745-27-13 of Condition number 7, which states:

"Prior to any removal of waste or contaminated soil from the Facility, WM and/or their appointed representative shall submit copies of sample

Waste Management, Inc.
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analysis results, the treatment or disposal method selected, and a letter of acceptance from the treatment or disposal facility to Ohio EPA; DSIWM, SWDO pursuant to OAC Rule 3745-27-13(H)(4)."

2. This is also a violation of the OAC Rule 3745-27-13(H)(4), which states:

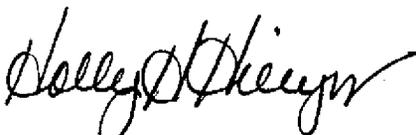
"If solid or hazardous waste or soils are removed from a closed facility, representative sampling of waste and potentially contaminated soil shall be performed. Copies of sample analysis results and the selection of the appropriate treatment or disposal method shall be submitted, along with a copy of a letter of acceptance from a treatment or disposal facility, to Ohio EPA prior to any removal of waste or contaminated soil from the property. Waste and contaminated soils which have been removed from the closed facility must be collected and disposed of in accordance with all applicable state and federal laws and regulations pertaining to environmental protection, including Chapter 3734. of the Revised Code."

Please take all steps necessary to ensure that future projects conducted under OAC Rule 3745-27-13 comply with this and all regulatory requirements.

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 do not hesitate to contact me should you have any further questions or concerns. You may reach me at either the letterhead address or by telephone at (937) 285-6072.

Sincerely,



Holly H. Hillyer
Environmental Specialist
Division of Solid and Infectious Waste Management

cc: Rick Thornburg, Cincinnati Health Department

HH/ca

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 WASTE MANAGEMENT INC
 CLOSED SITES MANAGEMENT GROUP
 P O BOX 13506
 DAYTON OH 45413

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 ROBIN JONES 1/12/11

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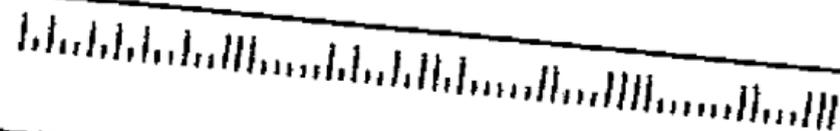
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WASTE MANAGEMENT INC
CLOSED SITES MANAGEMENT GROUP
P O BOX 13506
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