

**Environmental
Protection Agency**

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

June 7, 2010

Tremont Landfill Company
c/o Mr. Tom Danis
The Greene
70 Birch Alley, Suite 246
Beavercreek, Ohio 45440

**RE: TREMONT LANDFILL, CLARK COUNTY
Notice of Violation- 2009 Annual Report Review**

Dear Mr. Danis:

The Ohio Environmental Protection Agency (Ohio EPA), Southwest District Office (SWDO) received the 2009 Tremont (Closed) Landfill Annual Report (Report) on April 1, 2010. The report was reviewed for compliance with the Ohio Administrative Code Rules 3745-27-19(M) and 3745-27-14.

The following comments are based on the review of this Report:

1. The owner or operator failed to conduct the annual inspection of the leachate collection system to determine that clogging has not occurred in the lines in accordance with the approved Final Closure/Post-Closure Care Plan for the Tremont Landfill. The owner or operator's failure to conduct this annual inspection/verification is also a violation of Ohio Administrative Code (OAC) 3745-27-09(Q).

Ohio Administrative Code (OAC) requires the entire leachate collection system be inspected annually pursuant to OAC Rule 3745-27-19(K)(3) which states in part:

"The owner or operator shall visually or physically inspect the collection pipe network of the leachate management system after placement of the initial lift of waste to ensure that crushing has not occurred and shall inspect the collection pipe network annually thereafter to ensure that clogging has not occurred."

Additionally, OAC Rule 3745-27-19(M)(4), requires the owner or operator submit verification that the leachate management system is operating in accordance with this rule as part of the annual report.

Examples of visual or physical inspection of the leachate collection system (LCS) are: dye test, water jet flushing of the system, and down-hole-camera inspection.

The monthly totals for leachate generation of the LCS system are not sufficient to demonstrate compliance with these rules. Therefore, the owner/operator's failure to visually or physically inspect the LCS is a violation of OAC Rules 3745-27-19(M)(4) and 3745-27-19(K)(3).

Ohio EPA realizes that if such activities were not done last year, then this information cannot be provided now for the 2009 annual report. Please ensure that the LCS is inspected during this calendar year and the proper verification documentation submitted for the 2010 annual report due April 1, 2011.

2. The total leachate disposal reported in the 2009 Annual Report was listed as 828,964 gallons, (392,690 gallons less than the 2008 reported disposal), as compared to the leachate volume reported in the revised 2008 Annual Report of 1,221,654 gallons of leachate disposed for the Facility. The Facility indicated that operations still include collection of cap drainage water and the tie-in of the leachate from the west seep sump to the leachate collection system. **Please explain the discrepancy of why the volume of leachate reported for the 2009 Annual Report is 1/3 less than what was reported for the prior year and revise accordingly.**
3. In Section I-Ground Water Monitoring, subsection (c) and (d) Assessment/Corrective Measures Wells (Appendix I and II) the number of wells was reduced from seven (7) previously reported in the 2008 Annual Report to six (6) in the 2009 Annual Report, however there is no explanation for this change. **Please correct and explain this discrepancy.**
4. The site subtotal for financial assurance is listed as \$159,420, however according to records submitted and approved with the revised 2008 Post-Closure Cost Estimate dated January 23, 2009, the site subtotal should be listed as \$160,230 and the 2.1% inflation factor should be applied to this value. As such when this value is multiplied by the remaining fifteen (15) years of post-closure care the funding total without section section XIII (Landfill Gas Migration in Northwest Corner – escrow do not apply annual depreciation) should be \$2,455,301. **The total Financial Assurance Funding with section XIII would be \$2,477,253.** **As such, please correct and revise accordingly.**

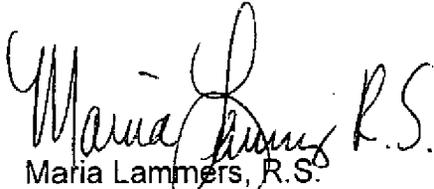
Compliance with the requirements outlined in this letter shall not relieve you of your obligation to comply with other legal obligations, including, but not limited to, Chapters 3704, 3714, 3734, or 6111 of the Ohio Revised Code or under the Federal Clean Water

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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.

If you have any questions, please contact me at (937) 285-6046.

Sincerely,

A handwritten signature in black ink, appearing to read "Maria Lammers R.S.", written in a cursive style.

Maria Lammers, R.S.
Environmental Specialist II
Division of Solid and Infectious Waste Management

CC: Anne Kaup-Fett, Clark County Combined Health District
Ralph Hirshberg, Civil and Environmental Consultants, Inc.

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