



State of Ohio Environmental Protection Agency

**Southwest District Office**

401 E. Fifth St.  
Dayton, Ohio 45402

TELE: (937) 285-6367 FAX: (937) 285-6249  
www.epa.state.oh.us

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

December 31, 2007

Tremont Landfill Company  
c/o Mr. Tom Danis  
110 North Main Street, Suite 1300  
Dayton, Ohio 45402

**Re: Outstanding Post Closure Care  
Financial Assurance Issues**

Dear Mr. Danis:

Ohio EPA, Division of Solid & Infectious Waste Management (DSIWM), Southwest District Office (SWDO) has completed the review of your recent submittal titled "Response to November 23, 2007 Request for Clarification Tremont Landfill Financial Assurance" letter (letter) dated response dated December 10, 2007. The November 23, 2007 Request for Clarification letter was issued to obtain additional information pertaining to items that were found to be deficient or vague in the 2006 Annual Report.

While we appreciate the additional information and changes that were contained in the December 10, 2007 response to address our concerns, SWDO/DSIWM staff feel there are a few remaining items in need of additional clarification and/or changes. Those items are the subject of this letter.

1. In the original June 4, 2007 Notice of Violation letter and subsequent November 23, 2007 letter to you, it was stated that the post closure care (PCC) financial assurance cost estimates for leachate line inspection and cleaning were inadequate. In the December 10, 2007 response, Comment #3 states (in part) *"the requirement for cleanout of all leachate line collection piping exists in the current revision of OAC Rule 3745-27-19 (K)(3), it did not exist in OAC 3745-27-19 as it was promulgated at the time the permit-to-install and associated closure plan was approved for this facility. Therefore, as the facility is held to the regulatory standard in place at the time of the most recent permit approval (October 1991), cleanout of all leachate collection piping is not required"*.



SWDO/DSIWM agrees with the fact that cleaning of all leachate lines was not a requirement of OAC Rule 3745-27-19 when the most recent permit-to-install was granted in 1991. However, contained in that permit is a condition (#18) that states, *"the permittee shall perform post-closure inspection and maintenance activities in accordance with OAC 3745-27-14. The activities and frequencies specified within this rule shall take precedence over any conflicting information specified in the permit-to-install narrative"*.

Given this information, SWDO/DSIWM staff conducted a rule analysis and was able to determine that cleaning of leachate lines was a requirement of the solid waste rules effective 1990 and therefore would be a requirement throughout the PCC period. A copy of this rule analysis is enclosed for your information and use (Attachment A). **Please revise your PCC cost estimate to provide for inspection, cleaning and maintenance of all leachate collection lines at the landfill. Please ensure that all linear footage of collection piping shown on the drawings included (Attachment B) is accounted for in the cost estimate.**

2. Response #6 pertains to the cost estimate for the landfill gas system. While a passive venting/flare system was initially installed at Tremont LF to manage the landfill gas, it was converted to an active gas extraction system by a third party contractor as part of a landfill gas to energy project. It is a known fact that the system has been altered and there is question as to if the system can still function effectively as a passive system. As the owner of the landfill, Tremont is responsible for operation and maintenance of all landfill components and must provide adequate financial assurance for all landfill components in the PCC financial assurance.

In your response, you have indicated that the PCC cost estimate has been increased to \$20,000 to address "contingencies and account for additional extraction wells currently proposed for installation by the current gas contractor". Please provide a detailed breakdown of that cost estimate using a "per/well" unit factor. Cost estimates should include individual prices for items such as batteries, igniters, labor/well, etc. Your cost estimate should include installation of additional wells and/or flares in the event the system is returned to a passive state and can no longer effectively manage the gas with the current number of gas wells/vents. Please keep in mind that Ohio EPA typically sees gas system estimates based on one gas well/acre. Cost estimates are to be calculated based on third party, worst case scenario and Ohio EPA typically sees values of \$60,000 - \$240,000 for gas system operation and maintenance. **Please revise your cost estimates for the gas system accordingly.**



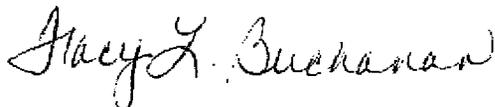
Tremont Landfill  
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3. One last item that has been noted is a discrepancy between the costs for abandonment of a groundwater monitoring well (Section VII, #f) as \$400.00 while the cost estimate for a gas probe (Section VIII, #e) is only \$100.00. Given the fact that a groundwater well and a gas probe are similar in nature, it would seem that the cost of abandonment would be about the same for both. **Please revise this cost estimate of VIII, #e or explain the discrepancy.**

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 Revised Code or under the Federal Clean Water Act, Clean Air Act, or Resource Conservation and Recovery Act remedying conditions resulting from any release of contaminants to the environment.

Please revise and resubmit the 2006 Financial Assurance Post Closure Cost Estimate for the Tremont Landfill to the Ohio EPA/DSIWM in a timely manner. Should you have any questions, please contact me at (937) 285-6045 or Joleen Cook at (937) 285-6071.

Sincerely,



Tracy L. Buchanan  
Division of Solid & Infectious Waste Management

Enclosures: Attachment A  
Attachment B

cc: Anne Kaup-Fett, Clark County Combined Health District  
Dale Vitale, Ohio Attorney General's Office (via e-mail)  
Thomas T. Terp, Attorney, Taft, Stetinius & Hollister  
Ralph Hirshberg, Civil & Environmental Consultants, Inc.  
Carl Mussenden, Ohio EPA, Compliance, Monitoring & Enforcement Unit (via e-mail)  
Fanny Harritos, Ohio EPA, Compliance, Monitoring & Enforcement Unit (via e-mail)

TLBIMABbp



**ATTACHMENT A**



**Attachment A**  
**Rule Analysis for Leachate Line Cleaning**

**Issue:** One outstanding issue pertains to the requirement to inspect and clean all leachate collection lines. In Section V- Operation and Maintenance of Leachate Collection and Treatment System, subsection (a), the 2006 Annual Report reported the inspection and flushing of only 600 linear feet of the leachate collection pipes. SWDO/DSIWM believes there is a regulatory requirement to inspect and flush the entire leachate collection system (LCS) which is supported by the following rule analysis.

**Facility Claim:** In the December 10, 2007 submittal, the response to this deficiency is as follows: *"While we do not argue that the requirement for cleaning of all leachate collection piping exists in the current revision of 3745-27-19(K)(3), it did not exist in OAC 3745-27-19 as it was promulgated at the time the Permit to Install and associated closure plan was approved for this facility. Therefore, the facility is held to the regulatory standard in place at the time of the most recent permit approval (Oct. 1991), cleanout of all leachate collection piping is not required..."*

**Rule Analysis:** PTI Condition #18 states, *"The permittee shall perform post-closure inspection and maintenance activities in accordance with OAC Rule 3745-27-14. The activities and frequencies specified within this rule shall take precedence over any conflicting information specified in the PTI narrative"*.

**OAC 3745-27-14 (A) (1)** (effective 3/1/90) requires the permittee to conduct 30 years of PCC including but not limited to, *"continuing operation and maintenance of the leachate management system"*.

**OAC 3745-27-14(A) (3) & (4)** (effective 3/1/90) require additional PCC activities to include, (14)(3) *"Quarterly inspections are required during each year of PCC...and (14)(4) fulfilling and monitoring requirements in accordance with Rule 3745-27-09 of the Administrative Code for leachate ...."*

**OAC 3745-27-09 (Q)** – Sanitary Facility Operations (effective 3/1/90) states, *"The collection pipe network of the leachate management system shall be inspected after the placement of the initial lift of waste to ensure that crushing has not occurred and shall be inspected annually thereafter to determine that clogging has not occurred"*.

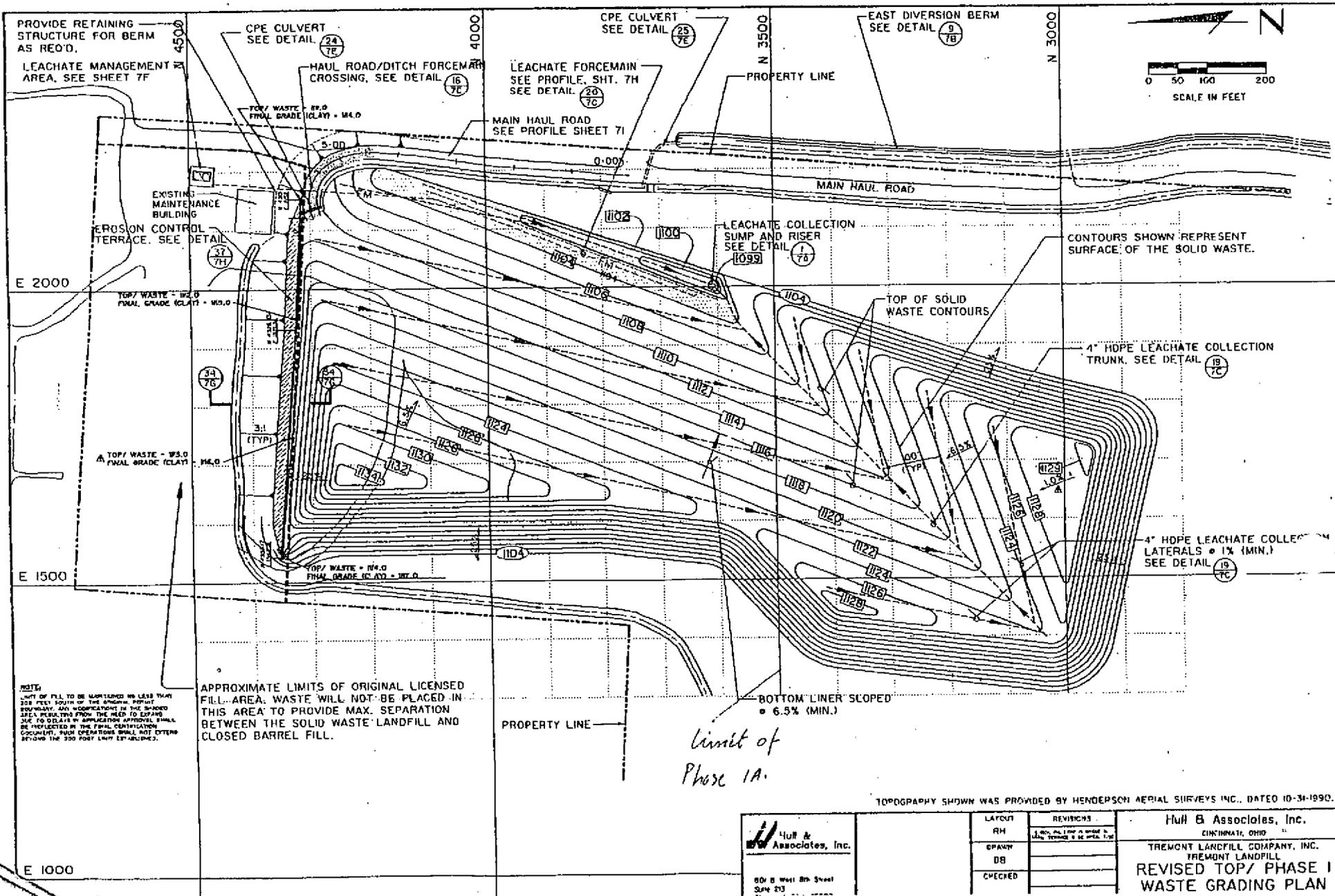
**Lastly, OAC 3745-27-14 (X)(4)** (effective 3/1/90) requires submission of an Annual Report containing, *"a summary of leachate collected for treatment and disposal ...and verification that the leachate management system is operating in accordance with paragraphs (Q) & (T) of this rule"*. Note: Paragraph (T) requires

monitoring & control systems to be operated in compliance with the approved PTI.

Lastly, the PCC Plan is part of the approved PTI and includes a table of inspection and monitoring frequencies. This table states that in years 2-30, "the LCS will be inspected monthly, sampled as required for off-site disposal or on-site treatment and compliance in accordance with reporting requirements as per OAC 3745-27-19." Chapter 19 of the 1990 rules, section (A) states that "all operations shall be constructed in strict compliance with approved plans, specs, info, terms & conditions of the PTI..." Since the PTI requires compliance with all applicable rules, it appears that the rules did require inspection and cleaning of the leachate collection system.

**ATTACHMENT B**





PROVIDE RETAINING STRUCTURE FOR BERM AS RECD.  
LEACHATE MANAGEMENT AREA, SEE SHEET 7F

CPE CULVERT SEE DETAIL (24) (7E)

CPE CULVERT SEE DETAIL (25) (7E)

EAST DIVERSION BERM SEE DETAIL (9) (7B)

HAUL ROAD/DITCH FORCE MAIN CROSSING, SEE DETAIL (16) (7C)

LEACHATE FORCE MAIN SEE PROFILE, SHT. 7H SEE DETAIL (20) (7C)

PROPERTY LINE

MAIN HAUL ROAD SEE PROFILE SHEET 7I

LEACHATE COLLECTION SUMP AND RISER SEE DETAIL (17) (7B)

CONTOURS SHOWN REPRESENT SURFACE OF THE SOLID WASTE.

EXISTING MAINTENANCE BUILDING  
EROSION CONTROL TERRACE, SEE DETAIL (37) (7H)

TOP/ WASTE - W3.0 FINAL GRADE (CLAY) - W3.0

TOP/ WASTE - W3.0 FINAL GRADE (CLAY) - W3.0

TOP/ WASTE - W4.0 FINAL GRADE (CLAY) - W4.0

TOP OF SOLID WASTE CONTOURS

4" HDPE LEACHATE COLLECTION TRUNK, SEE DETAIL (18) (7C)

4" HDPE LEACHATE COLLECTION LATERALS @ 1% (MIN.) SEE DETAIL (19) (7C)

BOTTOM LINER SLOPED @ 6.5% (MIN.)

Limit of Phase 1A.

NOTE: LIMIT OF FILL TO BE MAINTAINED NO LESS THAN 200 FEET SOUTH OF THE ORIGINAL PERMIT BOUNDARY AND MODIFICATION IN THE BOUNDARY AREA RESULTING FROM THE NEED TO EXPAND USE TO OBTAIN AN APPLICATION APPROVAL SHALL BE REFLECTED IN THE FINAL CERTIFICATION DOCUMENT. FILL OPERATIONS SHALL NOT EXTEND BEYOND THE 200 FOOT LIMIT ESTABLISHED.

APPROXIMATE LIMITS OF ORIGINAL LICENSED FILL AREA. WASTE WILL NOT BE PLACED IN THIS AREA TO PROVIDE MAX. SEPARATION BETWEEN THE SOLID WASTE LANDFILL AND CLOSED BARREL FILL.

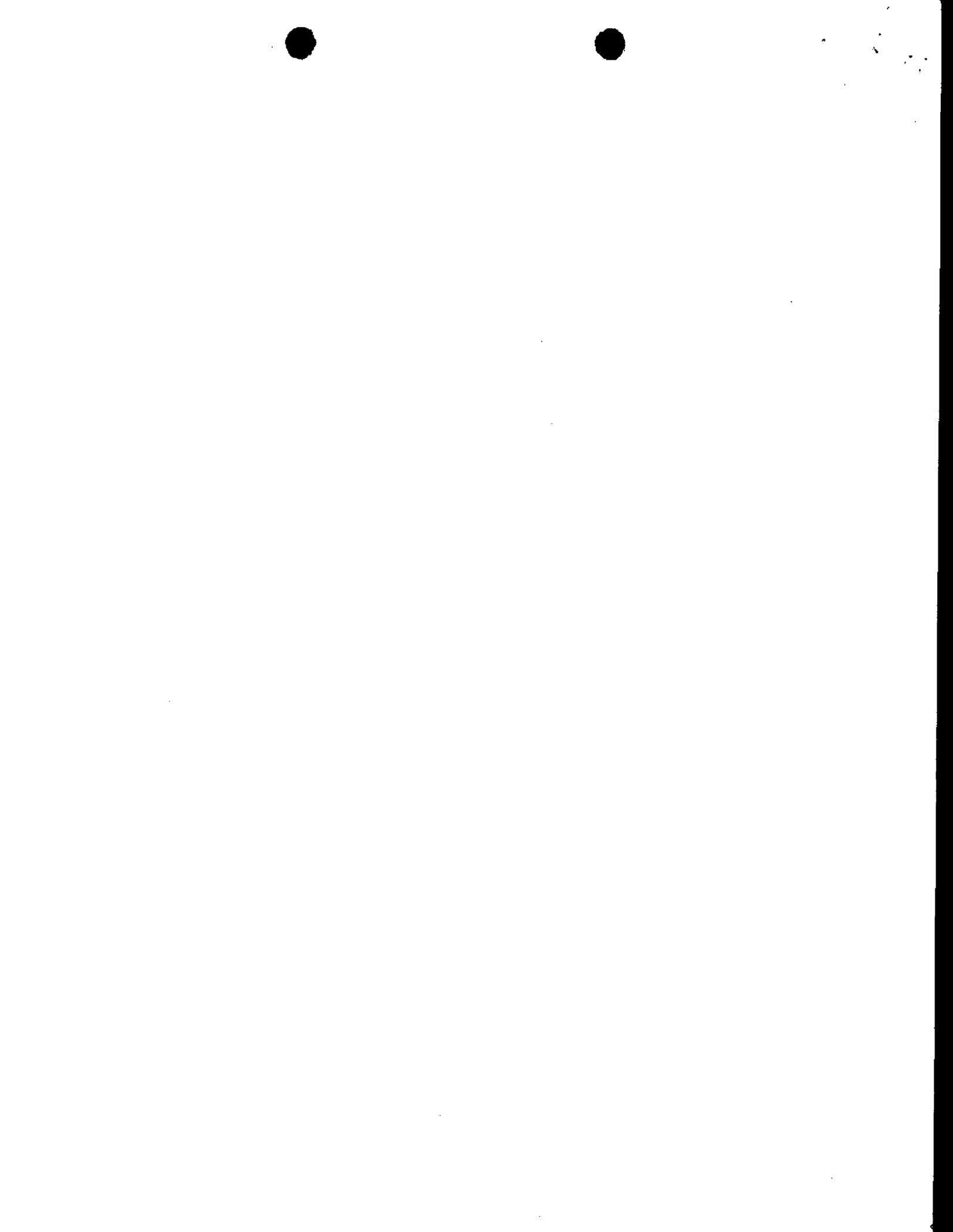
PROPERTY LINE

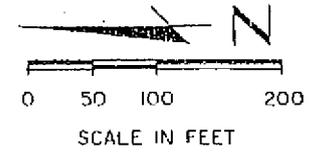
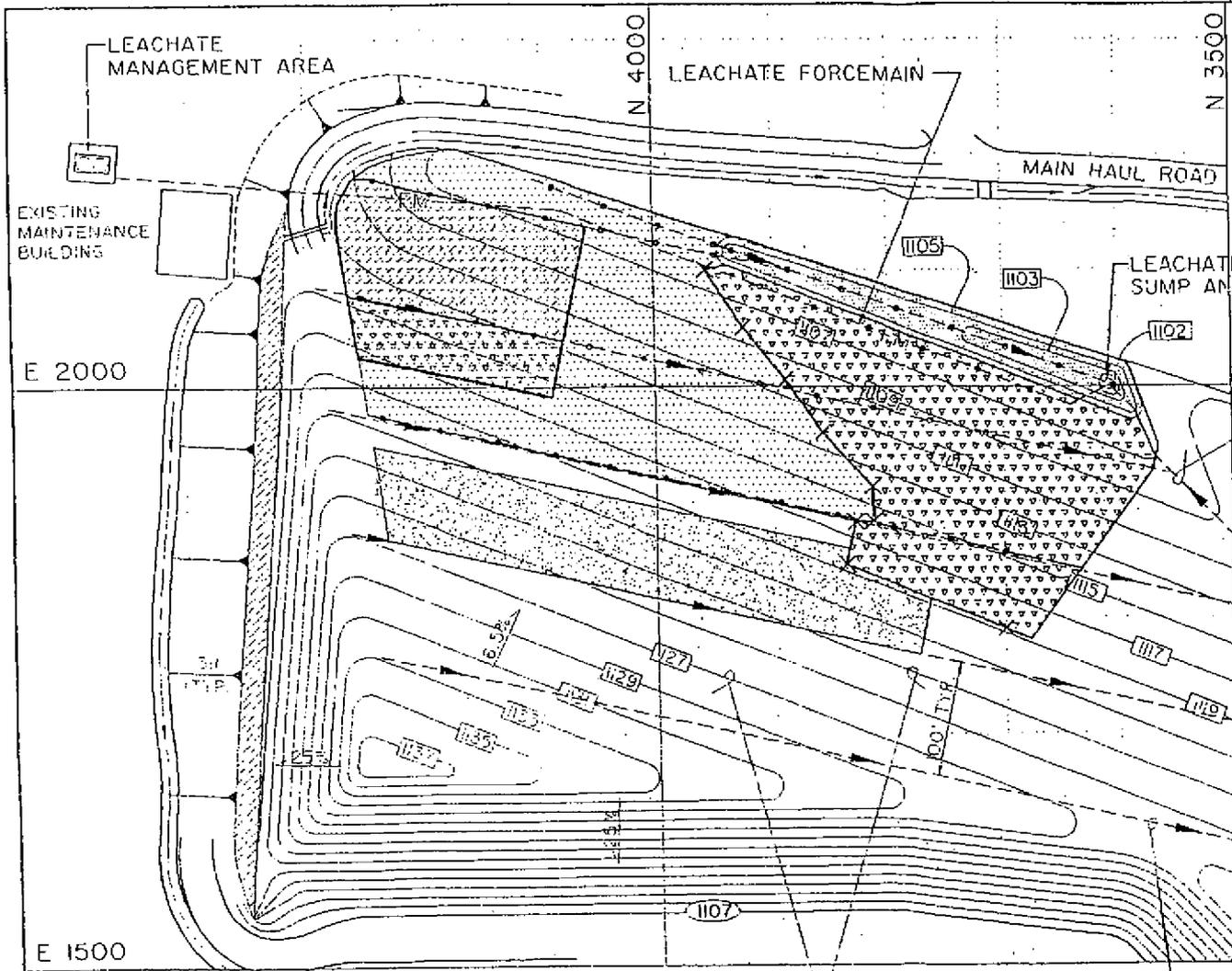
TOPOGRAPHY SHOWN WAS PROVIDED BY HENDERSON AERIAL SURVEYS INC., DATED 10-31-1990.

Hull & Associates, Inc.  
601 S. West 8th Street  
Suite 213

REVISIONS	
LAYOUT	RH
DESIGNED	DB
CHECKED	

Hull & Associates, Inc.  
CINCINNATI, OHIO  
TREMONT LANDFILL COMPANY, INC.  
TREMONT LANDFILL  
REVISED TOP/ PHASE I  
WASTE GRADING PLAN





- LEGEND:**
- LEACHATE COLLECTION PIPE
  - No. 57 WASHED STONE (SUMP AREA)
  - PEA GRAVEL
  - PEA GRAVEL MIXED W/ No. 9 WASHED GRIT
  - PEA GRAVEL MIXED W/ SHREDDED TIRES
  - No. 9 WASHED GRIT
  - SHREDDED TIRES

