



**Environmental
Protection Agency**

Tim Strickland, Governor
Lee Fisher, Lt. Governor
Chris Koneski, Director

September 27, 2010

**RE: WMI GENEVA LANDFILL
NOTICE OF VIOLATION – SCRAP TIRES**

CERTIFIED MAIL

Mr. Evan Jahn
USA Waste Geneva Landfill, Inc.
4339 Tuttle Road
Geneva, Ohio 44041

Dear Mr. Jahn:

On August 14, and 16, 2010, the Ohio Environmental Protection Agency (Ohio EPA) attempted to conduct an inspection of the daily cover at the Geneva Landfill. The purpose of the inspections was to respond to four complaints received by the Ohio EPA between August 12 and 16, 2010, regarding lack of daily cover. I, representing the Division of Solid Waste Management (DSIWM), attempted to conduct the inspections prior to any operations of the landfill. Jeremy Williams was present for the August 16, 2010 inspection and granted me access. Geneva Landfill is a municipal solid waste landfill that is owned by USA Waste Geneva Landfill, Inc. (USA Waste).

I arrived at the facility at 06:15 a.m. on Saturday, August 14, 2010, intending to view the daily cover that was applied on Friday, August 13, 2010. However, the facility was closed so I did not go on site. Although I was unable to inspect the facility, the daily cover was partially visible from Tuttle Road and it appeared inconsistent. Due to the distance from Tuttle Road to the working face, however, it was unclear whether waste was protruding from the area. I left the area at 08:25 a.m. Saturday, August 14, 2010.

I arrived at the facility at 06:17 a.m. on Monday, August 16, 2010, and explained the purpose of my visit to, Bonnie, the scale house operator. Yet, I was unable to determine the adequacy of the daily cover once on site, as it took at least 30 minutes, after I announced my arrival before I was met by personnel to accompany me on the inspection. By the time I arrived to the working face, the daily cover had been removed. While viewing the disposal area used Friday, August 13, 2010, Ohio EPA identified two whole scrap tires in the working face. Therefore, USA Waste is in violation of Ohio Administrative Code (OAC) Rule 3745-27-19(E)(8)(g) for acceptance of whole scrap tires.

OAC 3745-27-19(E)(8)(g) states, in part, that the owner or operator shall not dispose of “[w]hole scrap tires...”.

Jeremy Williams, after being notified of the presence of scrap tires, contacted another USA Waste employee to have the scrap tires removed from the working face. I did not observe the scrap tires being removed. Therefore, to return to compliance with this rule, USA Waste should have removed the scrap tires and must not dispose of scrap tires unless the

Mr. Evan Jahn
USA Waste Geneva Landfill, Inc.
September 27, 2010
Page 2

disposal is in accordance with the exemptions allowed pursuant to OAC 3745-27-19(E)(8)(g)(i) – (iv).

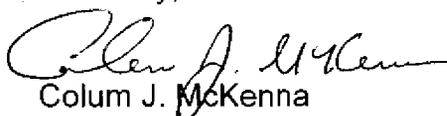
On August 18, 2010, Jerry Ross, of USA Waste, and Jennifer Kurko and I, of Ohio EPA, discussed the matter of ensuring that Ohio EPA inspectors are given timely access to all areas of the site as needed. Jerry Ross indicated that this should not be an issue in the future. Ohio EPA requested copies of photographs taken of the daily cover from August 12 and 13, 2010. Jerry Ross was also notified of the forthcoming notice of violation relative to the presence of scrap tires in the working face. On August 27, 2010, Ohio EPA received copies of photos taken of the daily cover placed during the week of August 9, 2010. We appreciate your attention to this matter.

Please respond in writing within 15 days of receipt of this letter explaining what measures USA Waste has taken to address the acceptance and disposal of scrap tires.

Nothing in this Notice of Violation shall be construed to authorize any waiver from the requirement of any other applicable state solid or residual waste laws or regulations. This Notice of Violation shall not be interpreted to release USA Waste from responsibility under Chapters 3704., 3714., 3734., or 6111. of the Ohio Revised Code or under the Federal Clean Waters or Comprehensive Environmental Response, Compensation, and Liability Acts for remedying conditions resulting from any release of contaminants from the facility to the environment.

Please contact me at (330) 963-1268 if you have any questions or concerns regarding this letter.

Sincerely,



Colum J. McKenna
Environmental Specialist
Division of Solid and Infectious Waste Management

CJM:cl

cc: John Hujar, DSIWM-NEDO
Raymond Saporito, Ashtabula County Health Department
Jerry Ross, USA Waste
Scott Herman, USA Waste
Janice Switzer, Ashtabula County SWMD
File: [Sowers/LAND/Geneva Landfill/COR/04]

3527