



State of Ohio Environmental Protection Agency

Northeast District Office

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2110 East Aurora Road
Twinsburg, OH 44087-1924

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Laura H. Powell, Acting Director

January 11, 2007

**RE: NOTICE OF VIOLATION
SUMMIT C&D DISPOSAL
SUMMIT COUNTY**

CERTIFIED MAIL

Mr. Richard Eslich, Sr.
Eslich Wrecking Company
3525 Broadway Ave. NE
Louisville, Ohio 44641

Dear Mr. Eslich:

On December 19, 2006, Ohio Environmental Protection Agency (Ohio EPA) inspected Summit C&D Disposal, Inc., a licensed construction and demolition debris (CDD) facility at 1947 Wadsworth Road, Norton, in Summit County. The purpose of the inspection was to measure hydrogen sulfide gas along the perimeter of CDD placement. This letter provides a notice of violation and comments identified during the inspection.

Attending the inspection were you, John Eslich, Dan Crislip, and Jim Quinn representing Summit C&D Disposal, Pat Loper representing Bowser Morner, Mike Meusel representing Barberton Health Department, and Scott Winkler and I, representing Ohio EPA, Division of Solid and Infectious Waste Management. The inspection began at approximately 6:00 p.m. and concluded at approximately 7:10 p.m. There was little to no wind and no cloud cover.

Hydrogen sulfide (H₂S) gas was detected at low levels. The highest reading was .006 parts per million (PPM), located just north of the site trailer. Attached are the following: 1) a copy of the H₂S Jerome Meter Field Data Log; 2) site map with approximate sample locations labeled during the inspection; 3) diagram of sample locations plotted by a GPS unit. The GPS diagram shows additional sample locations 28 through 31 that were taken at the neighboring property immediately after the Summit C&D Disposal inspection.

H₂S gas forms when wallboard or drywall containing gypsum comes in contact with moisture. Please be aware that the proposed CDD rule revisions contain an action level at .030 PPM H₂S.

Ohio EPA also identified the following violation and comments during the walk along the perimeter haul road:

VIOLATIONS

1. **Ohio Administrative Code (OAC) 3745-400-11(Q)(2) and (3) state:** *"The owner or operator shall grade the facility and provide drainage systems to insure minimal infiltration of water through the cover material and cap system as well as erosion of the cover material and cap system. (3) If ponding or erosion occurs in active or inactive licensed disposal areas, the owner or operator shall correct the conditions causing the ponding or erosion."*

Ponded water/leachate was observed between the landfill and the perimeter berm on the east, north and west sides of the landfill. The ponded liquid may infiltrate the surface and generate additional leachate. Also, the ponded liquid could weaken slopes and lead to slope failure. Summit C&D Disposal is in violation of OAC 3745-400-11(Q)(2) and (3) due to the ponded water/leachate.

The owner/operator must take action to prevent ponding of water/leachate on the facility. Only clean surface water that is free of sediments and leachate may be allowed to flow off the property. Leachate and contaminated water must be taken to a licensed wastewater treatment facility for treatment. Please send a copy of the storm water pollution prevention plan (SWP3) to Ohio EPA, Northeast District Office, Division of Surface Water, for review and approval.

2. **OAC 3745-400-11(Q)(1) states:** *"The owner or operator shall divert surface and ground water from the active and inactive licensed disposal areas of the facility by nonmechanical means. The owner or operator shall not divert surface water under, over, or through disposal areas of a facility."*

This violation was also noted in Ohio EPA's letter dated October 30, 2006. The persistence and large amount of leachate generation at the east slope indicates that surface water and/or ground water is entering the landfill and flowing through the CDD. Summit C&D Disposal is in violation of OAC 3745-400-11(Q)(1) for failing to divert surface/ground water away from C&DD placement by nonmechanical means.

Based on the persistent generation of leachate and the levels of leachate in the extraction wells, it appears that the CDD beneath the surface is saturated. The owner/operator must demonstrate compliance with OAC 3745-400-11(Q)(1). Also the amount of leachate produced in conjunction with the high ground water table in this area indicate that ground water is not being diverted from the site and instead is allowed to flow into the site saturating waste and creating leachate.

The owner or operator of this site must divert surface and ground water from the waste placement areas and demonstrate compliance with OAC 3745-400-11(Q).

3. **OAC 3745-400-11(P)(1) states:** *"The owner or operator shall operate the leachate collection system to maintain no more than one foot of head anywhere on the in situ and/or added geologic material or constructed liner, with the exception of the sump area(s)."*

During 2001 through 2006, the owner or operator of this facility installed a leachate collection system that consisted of six extraction wells, pumps, piping and a leachate storage tank. Leachate levels in the extraction wells taken on August 22, 2003, indicate that the owner or operator is not maintaining less than one foot of leachate in the facility. Failure to operate the leachate collection system to maintain less than one foot of leachate is a violation of this rule.

The owner/operator must demonstrate compliance with OAC 3745-400-11(P)(1).

COMMENTS

1. OAC 3745-400-11(H)(1) requires weekly covering of exposed CDD. Due to the persistence of leachate generation, especially at the east slope, Ohio EPA recommends limiting the exposed CDD area to the smallest practicable area, preferably no more than ½ acre.
2. Regarding compliance with violation 1 above, the facility must ensure that sediments are removed prior to the surface water leaving the site. The owner/operator must comply with its National Pollutant Discharge Elimination System (NPDES) permit. Please contact Dan Bogoevski, Ohio EPA, Division of Surface Water, to determine best management practices for managing surface water runoff at the facility.
3. A large amount of cover soil was applied recently to the landfill. Ohio EPA reminds the owner/operator that the soil areas need to be mulched and/or seeded as possible to prevent sedimentation. The NPDES permit requires disturbed soil areas within 50 feet of a stream to be seeded and/or mulched within two days. The NPDES permit also requires disturbed soil areas where construction activity has temporarily ceased for 45 days or more to be seeded, mulched or stabilized within seven days of last activity. All covered areas need to be seeded to provide a dense vegetative cover.

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If you have any questions regarding this notice of violation, please call Dave Dysle at (330) 963-1286.

Sincerely,



Dave Dysle
Environmental Specialist
Division of Solid and Infectious Waste Management

DD:cl

cc: Scott Winkler, DSIWM, NEDO
Dan Bogoevski, DSW, NEDO
Mike Meusel, Barberton Health Department
Frank Markunas, ARAQMD
File: [Sowers/CONS/Summit C&D Disposal/COR/77

Attachments: H2S Jerome Meter Field Data Log, dated December 19, 2006
Site map with approximate sample locations
Diagram of sample locations plotted by a GPS unit