



State of Ohio Environmental Protection Agency

Northeast District Office

2110 East Aurora Rd.
Twinsburg, Ohio 44087

TELE: (330) 963-1200 FAX: (330) 487-0769
www.epa.state.oh.us

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

April 17, 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 March 23, 2007, Ohio Environmental Protection Agency (Ohio EPA) and Barberton Health Department 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 see recent construction activities and see if hydrogen sulfide gas is being generated. This letter provides a notice of violation and comments identified during the inspection.

Attending the inspection were Dan Crislip, representing Summit C&D Disposal, Mike Meusel representing Barberton Health Department, and I, representing Ohio EPA, Division of Solid and Infectious Waste Management. The inspection began at approximately 11:30 a.m. and concluded at approximately 1:30 p.m. The weather was cloudy and variable light winds.

During the inspection, we looked at the east, west and north perimeters. We did not look at the working face or check log books. We observed several employees installing concrete pieces around the leachate extraction well #4 at the east perimeter. The intent of the concrete pieces is to improve leachate flow to the extraction well. Ponding was observed at the east perimeter between the east berm and the landfill.

Ohio EPA also identified the following violations and comments during the walk along the perimeter haul roads and berms:

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 side. Ponding was also at the base of the landfill at the southwest side and at the northwest corner. 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 **Ohio Administrative Code (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 permitted wastewater treatment facility for treatment. Please contact Summit Soil and Water Conservation District concerning the review of the facility's storm water pollution prevention plan (SWP3).

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."*

The facility remains in violation of OAC 3745-400-11(Q)(1). This violation was also noted in Ohio EPA's letter dated January 11, 2007. 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. This rule states in part, *"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."*

Based on the persistent generation of leachate and H₂S, it appears that the CDD beneath the surface is saturated. The owner/operator must demonstrate compliance with OAC 3745-400-11(Q)(1).

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

The document titled Installation of Leachate Extraction Wells No. 4 Through 6 at Summit C&D Disposal, Inc. for Summit C&D Landfill Inc., dated August 22, 2003, indicated the leachate depths in the newer leachate wells were as follows: LW-4 was 13.4 feet, LW-5 was 9.41 feet, and LW-6 was 6.11 feet. Ohio EPA is aware

that static ground water in the ground water monitoring wells is three to eight feet below ground level. Also, based on the generation of leachate and H₂S, it appears that there is more than one foot of leachate head on the insitu clay layer. The owner/operator must demonstrate compliance with OAC 3745-400-11(P)(1).

4. **Ohio Revised Code (ORC) 6111.04(A)** states in part,

- "(1) No person shall cause pollution or place or cause to be placed any sewage, sludge materials, industrial waste, or other wastes in a location where they cause pollution of any waters of the state.*
- (2) Such an action prohibited under division (A)(1) of this section is hereby declared to be a public nuisance."*

Summit C&D Disposal caused surface water containing sediments to enter Copley Run and the wetland west of the landfill. The following was observed:

- A. Sediments were flowing into Copley Run from a gravel drain located southeast of the landfill.
- B. Sediments were flowing into Copley Run from the large soil stockpile and haul road located southeast of the landfill. The location was south of the gravel drain mentioned in A above.
- C. Sediments from the site had entered the water in the wetland located west of the landfill. The sediments were beneath the discharge end of the new drain pipe that goes through the west perimeter berm. The drain pipe was at the southwest section of the berm, just north of leachate extraction well #6.

The owner/operator must demonstrate compliance with ORC 6111.04(A).

5. **OAC 3745-400-11(B)(16)** states: *"The owner or operator shall not cause water pollution."*

Summit C&D Disposal caused surface water containing sediments to enter Copley Run and the wetland west of the landfill. Items 4.A., 4.B. and 4.C. listed above are also violations of OAC 3745-400-11(B)(16). The owner/operator must demonstrate compliance with OAC 3745-400-11(B)(16).

COMMENTS

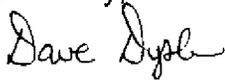
- 1. Hydrogen sulfide (H₂S) gas was detected at the southwest area near the landfill mound and ponded water area. Ohio EPA rated the odor intensity to be a level 2 which is, "a distinct and definite odor whose characteristic is clearly detectable." For reference the Odor Intensity Scale Descriptors are:

- 0 A concentration of an odorant which produces no sensation.
 - 1 Concentration which is just barely detectable.
 - 2 A distinct and definite odor whose characteristic is clearly detectable.
 - 3 An odor strong enough to cause a person to avoid it completely.
 - 4 An odor so strong as to be overpowering and intolerable for any length of time.
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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 or Dave Ritter, Summit Soil and Water Conservation District, 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. You indicated that the bare soil areas had been recently seeded.
 4. A small amount of sediments was near the discharge end of the new drain pipe installed through the northwest part of the perimeter berm. Some of the sediment may be due to the discharge water eroding the slope. The owner/operator should install components at the three new berm drain pipes that will prevent the discharge water from eroding the slopes.
 5. Oil was on the surface of ponded water at the generator and leachate tank area. Mr. Crislip thought the generator had leaked the oil. The ponded water/oil needs to be removed and treated at a licensed wastewater treatment facility.
 6. Regarding the leachate tank, there is no constructed containment berm around the leachate tank. If the valve leaked, leachate could eventually flow to Copley Run. Ohio EPA recommends the owner/operator construct a containment berm capable of containing the full contents of the leachate tank.

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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: Dan Bogoevski, DSW, NEDO
Mike Meusel, Barberton Health Department
Dave Ritter, Summit Soil and Water Conservation District
File: [Sowers/CONS/Summit C&D Disposal/COR/77]