



State of Ohio Environmental Protection Agency

Northeast District Office

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

July 14, 2008

**CERTIFIED MAIL**

Mohammed Ali  
American Landfill, Inc.  
7916 Chapel St. SE  
Waynesburg, OH 44688

**RE: AMERICAN LANDFILL, INC., STARK COUNTY  
NOTICE OF VIOLATION (NOV)**

Dear Mr. Ali:

On July 3, 2008, you notified the Ohio EPA Division of Solid and Infectious Waste Management (DSIWM) Northeast District Office (NEDO) via telephone of a disposal of hazardous waste soils at American Landfill (Facility). On July 10, 2008, we received written notification in a letter dated July 9, 2008.

On July 1 and 2, 2008, the Facility received approximately 165 tons of contaminated soils from Exxon Mobil (Generator) located in Marian County, Fairmont, West Virginia. The soils, which had benzene concentrations that exceeded the RCRA limit, were inadvertently sent to American Landfill instead of another Waste Management landfill in West Virginia that is authorized to accept hazardous waste. On July 2, 2008, the Generator discovered that the soils that were shipped to the Facility came from an unapproved soil stockpile not intended for solid waste disposal. Upon discovery, the Generator notified West Virginia Department of Environmental Protection (WVDEP) and the Facility.

On July 2 and 3, 2008, the Facility identified and isolated the contaminated soils in the working face of the landfill. Ohio EPA understands that the contaminated soils and surrounding waste will be removed from the working face and from the Facility by Arcadis, the contractor for Exxon Mobil.

The acceptance and disposal of hazardous waste at a solid waste disposal facility is a violation of the following:

1. **ORC 3734.02(F)**: *"No person shall store, treat, or dispose of hazardous waste identified or listed under this chapter and rules adopted under it..."*
2. **OAC 3745-27-19(E)(8)(c)**: *"The owner or operator shall not accept for disposal or dispose of any of the following materials at a sanitary landfill facility:...Materials that are defined as hazardous wastes pursuant to rule 3745-51-03 of the Administrative Code."*

Mohammed Ali  
American Landfill, Inc.  
July 14, 2008  
Page 2

3. **OAC Rule 3745-27-19(B)(1):** *"The owner or operator shall conduct all operations at a sanitary landfill facility in strict compliance with the terms and conditions of the solid waste disposal license issued for the facility in accordance with Chapter 3745-37 of the Administrative Code."*
4. **OAC Rule 3745-27-19(B)(2):** *"The owner or operator shall conduct all construction and operation at a sanitary landfill facility in strict compliance with the applicable authorizing document(s), including permit(s) to install, a plan approval, an operational report, an approved final closure plan, an alteration(s) concurred with in writing by Ohio EPA, or any authorizing document(s) listed in paragraph (l) of rule 3745-27-09 of the Administrative Code..."*
5. **OAC Rule 3745-27-19(L):** *"...the owner or operator shall implement a written program at the sanitary landfill facility with procedures that are sufficient to detect and prevent the disposal of regulated hazardous wastes as defined in rule 3745-51-03 of the Administrative Code..."*

Please respond within 15 days of receipt of this NOV with a report that details the amount of waste that was removed and where it was sent for disposal. Also, please supply sufficient information and detail that will satisfy Ohio EPA's concern that all of the contaminated soils have been safely removed from the Facility.

Nothing in this letter shall be construed to authorize any waiver from the requirements of any applicable state or federal laws or regulations. This letter shall not be interpreted to release the owner or operator of American Landfill, Inc., or others, from responsibility under Chapters 3704., 3714., 3734., or 6111. of the Ohio Revised Code or under the Federal Clean Water or Comprehensive Environmental Response, Compensation, and Liability Acts remedying conditions resulting from any release of contaminants to the environment.

If you have any questions regarding this letter, please feel free to contact me at (330) 963-1103, or e-mail me at "[joshua.adams@epa.state.oh.us](mailto:joshua.adams@epa.state.oh.us)."

Sincerely,



Joshua Adams  
Environmental Specialist  
Division of Solid and Infectious Waste Management

JA:cl

cc: Kirk Norris, Stark County Health Department  
Natalie Oryshkewych, DHWM-NEDO

Ed Gortner, DSIWM-CO  
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