

**Environmental  
Protection Agency**

Ted Strickland, Governor  
Lee Fisher, Lt. Governor  
Chris Korieski, Director

May 24, 2010

**RE: NEWBURY LANDFILL  
GEAUGA COUNTY  
NOTICE OF VIOLATION**

**CERTIFIED MAIL**

Mr. Robert R. Wantz  
107 Water Street  
Chardon, Ohio 44024

Dear Mr. Wantz:

This letter provides a notice of violations regarding Newbury Landfill, located west of Route 44 and east of Punderson State Park, in Newbury Township, Geauga County, Ohio. The violations were identified during an inspection on April 13, 2010. Landfill history and inspection observations are below.

Newbury Landfill exists on a 55-acre property. The landfill began accepting residential wastes in the early to mid 1960's and ceased waste acceptance in the early 1970's. In the late 1960's, chemical wastes were disposed of by the Mogul Corporation of Chagrin Falls, Ohio. Ohio Environmental Protection Agency (Ohio EPA) files indicate that you are the property owner of this solid waste facility.

On April 13, 2010, attending the inspection were Eric Robb, Geauga County General Health District; and I, of Ohio EPA, Division of Solid and Infectious Waste Management (DSIWM). Your son, Daniel Wantz, opened the facility gate, but was unable to attend the inspection. The following are observations and violations identified during the inspection.

1. There is an area of exposed solid waste located west of the delineated landfill. The exposed solid waste appears to be historic open dumping that mainly contains rubber scraps. Bottles, cans, plastic and metal debris are also in the area.

Previously, Ohio EPA requested the removal of the rubber wastes. Approximately half of the rubber wastes were removed for disposal. The remaining rubber wastes were pushed into a pile nearby and plastic was put over the rubber waste to prevent rain water from soaking the waste pile. In addition, the disturbed area where the rubber wastes were removed created additional exposed solid wastes (bottles, cans, plastics, etc.). The disturbed area was also covered with plastic.

During the inspection on April 13, 2010, the plastic was off to the side of the rubber scrap pile. The plastic on the graded area was either missing or not effectively covering the wastes. Leachate was seen coming from the pile and the graded area. Please see attached photos. Regarding the rubber waste area, you are in violation of the following:

A. **Ohio Revised Code (ORC) 3734.03** Open dumping of solid wastes

*This law states in part, "No person shall dispose of solid wastes by open burning or open dumping, except as authorized by the director of environmental protection in rules adopted in accordance with division (V) of section 3734.01, section 3734.02, or sections 3734.70 to 3734.73 of the Revised Code and except for burying or burning the body of a dead animal as authorized by section 941.14 of the Revised Code. No person shall dispose of treated or untreated infectious wastes by open burning or open dumping."*

To achieve compliance, you must remove and dispose of the exposed solid waste at a licensed solid waste facility and provide copies of waste disposal receipts to Ohio EPA.

B. **Ohio Administrative Code (OAC) 3745-27-05(C)** Open dumping

*This rule states in part, "No person shall conduct, permit, or allow open dumping. In the event that open dumping is occurring or has occurred at a property, the person(s) responsible for the open dumping, the owner of the property, or the person(s) who allow or allowed open dumping to occur, shall promptly remove and dispose or otherwise manage the solid waste in accordance with Chapter 3734. of the Revised Code, and shall submit verification that the solid waste has been properly managed.*

*[Comment: Prompt removal and disposal of solid waste does not relieve any obligations under state or federal environmental statutes. This may include environmental clean-up of the site and/or remediation of ground water contamination resulting from the open dumping.]"*

To achieve compliance, you must remove and dispose of the exposed solid waste at a licensed solid waste facility and provide copies of waste disposal receipts to Ohio EPA.

C. **ORC 6111.04** Polluting waters of the state

Leachate from the rubber scrap pile and graded area was draining downhill to another wetland. The area of seepage was stained a red-brown color. As facility owner, you are in violation of ORC 6111.04 for allowing leachate from Newbury Landfill to enter waters of the state.

**ORC 6111.04** states in part, *"No person shall cause pollution or place or cause to be placed any sewage, industrial waste, or other wastes in a location where they cause pollution of any waters of the state, and any such action is hereby*

*declared to be a public nuisance, except in such cases where the director of environmental protection has issued a valid and unexpired permit, or renewal thereof, as provided in sections 6111.01 to 6111.08 of the Revised Code, or an application for renewal is pending."*

OAC 3745-27-01(B)(18) states, "*Leachate means liquid that has come in contact with or been released from solid waste.*"

The discharge of leachate must be stopped. To achieve compliance, you must remove the rubber waste pile and apply a soil layer over the graded exposed waste area containing bottles, cans, plastics. The soil layer should be of compacted clay soil preferably at least one foot thick. An additional layer of top soil, at least three inches thick, and grass seed should be applied over the clay soil layer in order to provide a dense vegetative cover.

Please immediately recover the rubber waste pile and graded area with plastic in order to prevent the additional generation of leachate.

2. The inspection also included walking along the southwest landfill perimeter. In this area approximately five trees have fallen over and the overturned tree roots have exposed solid wastes. Leachate was observed draining from the exposed waste areas to a perimeter ditch/stream. Please see attached photos. The perimeter ditch drains to a road-side ditch along Route 44. The leachate seeps were stained a red-brown color.

**ORC 6111.04**    Polluting waters of the state

As facility owner, you are in violation of ORC 6111.04 for allowing leachate from Newbury Landfill to enter waters of the state. The discharge of leachate must be stopped.

To achieve compliance, you must maintain the landfill's clay soil cap and dense vegetative layer. Please remove fallen trees and apply a soil layer over the exposed waste areas containing bottles, cans, plastics. The soil layer should be of compacted clay soil preferably at least one foot thick. An additional layer of top soil, at least three inches thick, and grass seed should be applied over the clay soil layer in order to provide a dense vegetative cover.

Please read the attached Ohio EPA guidance document #0179, titled *Acceptable Vegetation and Cap System Maintenance*. This document provides additional landfill cap information.

Mr. Robert R. Wantz  
May 24, 2010  
Page 4

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 owners of Newbury Landfill 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 for remedying conditions resulting from any release of contaminants to the environment.

Please respond to the above violations and comments within 14 days of receipt of this letter. Please include a schedule of compliance activities.

If you should have any questions regarding this letter, please call me at (330) 963-1286.

Sincerely,

  
for Dave Dysle

Environmental Specialist  
Division of Solid and Infectious Waste Management

DD:cl

att: six photos from April 13, 2010 inspection  
Ohio EPA guidance #0179, Acceptable Vegetation and Cap System Maintenance

cc: Laura Weber, DSW, NEDO  
Mike Bolas, DERR, NEDO  
Eric Robb, Geauga County General Health District  
File: [Sowers/COUN/Newbury Landfill/COR/28]