



**Environmental
Protection Agency**

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

March 11, 2011

**RE: SUMMIT C&D DISPOSAL
REMEDIAL ALTERNATIVES SCREENING
NOTICE OF VIOLATION**

CERTIFIED MAIL

John R. Eslich
Summit C&D Disposal, Inc.
3525 Broadway Ave. NE
Louisville, Ohio 44641

Patrick J. Loper II, P.E.
Bowser-Morner Associates, Inc.
4518 Taylorsville Road
P.O. Box 51
Dayton, Ohio 45401-0051

Dear Mr. Eslich and Mr. Loper:

Ohio Environmental Protection Agency (Ohio EPA) reviewed a document regarding Summit C&D Disposal, Inc., from Bowser-Morner on behalf of Summit C&D Disposal, Inc. (Facility). The Facility is located at 1947 Wadsworth Road, Norton. This letter provides review results of the following document:

- Remedial Alternatives Screening for Summit C & D Disposal Landfill, Norton, Summit County, Ohio

The document is dated December 22, 2010 and was received by Ohio EPA on December 23, 2010. The document contains the Respondent's recommended remedial alternative for addressing Order No. 3 of Director's Final Findings and Orders dated April 11, 2008 (DFFO), which required the Respondent to submit to Ohio EPA a detailed plan to divert the groundwater from the Facility by non-mechanical means not later than sixty (60) days after receipt of notice that the hydrogeological study report indicates that groundwater is entering the facility. The Respondent has already acknowledged that the seismic survey indicates that groundwater is entering the Facility from the uppermost aquifer system.

Violation

Summit C&D Disposal is in violation of Order No. 3 of the DFFO. Order No. 3 requires a ground water diversion plan. Order No. 3 states:

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"If Ohio EPA determines that the approved hydro-geological study report indicates that groundwater is entering the Facility, Ohio EPA shall so notify Respondent in writing. Not later than sixty (60) days after receipt of notice that the hydro-geological study report indicates that groundwater is entering the Facility, Respondent shall prepare and submit to Ohio EPA a detailed plan to divert the groundwater from the Facility by non-mechanical means."

DFFO Order No. 3 requires the Respondent to submit to Ohio EPA a detailed plan to divert the groundwater from the Facility by non-mechanical means not later than sixty (60) days after receipt of notice that the hydrogeological study report indicates that groundwater is entering the Facility. The subject document is actually a screening report that recommends that the facility continue to monitor groundwater. Therefore, the Respondent has not submitted a detailed plan to divert groundwater from the Facility by non-mechanical means as required by this order.

Deficiency

DFFO Order No. 4 requires Ohio EPA to make a determination of whether or not the Respondent's diversion plan is adequate. Ohio EPA must then decide to approve the plan with conditions or modifications, or send the Respondent a notice of violation or if appropriate, a notice of deficiency. Ohio EPA has determined that the subject document cannot be approved even with the use of conditions or modifications specified by Ohio EPA and that a notice of violation is required.

Ohio EPA and the Respondent met on February 10, 2011, and discussed this remedial alternatives screening report. The meeting was a brainstorming session primarily focused on determining a way forward for diverting groundwater non-mechanically at the site. It was decided that the Respondent would submit by March 31, 2011, a more detailed explanation of a limited equilibrium pilot study that involves shutting off the leachate management system (pumps) to determine the static water level equilibrium elevation tied to the uppermost aquifer system (first continuous zone of saturation) that will occur within the landfill (debris); the theory being that ongoing leachate pumping has potentially created a greater upward gradient beneath the facility resulting in deeper groundwater preferentially moving up into the facility, and by letting the facility "fill up," eventually the deeper groundwater will equilibrate and the upward migration of groundwater from the uppermost aquifer system will slow or stop altogether. It was agreed that before the leachate management system could be shut down for the pilot study, the geologists from Ohio EPA and the Respondent would need to finalize improvements to the site-wide groundwater monitoring system and initiate sampling. A 60 day timeframe for the installation and sampling of the revised groundwater monitoring system was tentatively agreed to once Ohio EPA approves the Respondents revised ground water monitoring plan pursuant to the DFFO.

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Ohio EPA anticipates receiving the limited equilibrium pilot study, as proposed in the February 10, 2011 meeting, by March 31, 2011. Ohio EPA views the submission of the equilibrium study as Respondents interim step to address the violation of DFFO Order No. 3 and as such, does not intend to recommend any escalated enforcement at this time to address Respondents violation of DFFO Order No. 3.

Statement

Irrespective of the aforementioned limited equilibrium pilot study, at some point in accordance with the DFFO, the Respondent shall submit a new detailed plan to divert groundwater from the Facility by non-mechanical means. This plan must present a viable groundwater diversion method and shall contain all the necessary steps and pertinent details required to successfully implement the selected groundwater diversion method. This includes, but is not limited to, all detailed geologic, hydrogeologic, engineering, surveying, scheduling, timeframe, and regulatory information necessary to successfully construct and implement the selected groundwater diversion method.

If you have any technical questions regarding this review, please contact Mark Kroenke at (330) 963-1225. Please submit all correspondence to Dave Dysle, Division of Solid and Infectious Waste Management, Northeast District Office, Ohio EPA, 2110 East Aurora Road, Twinsburg, Ohio 44087.

Sincerely,



Dave Dysle
Environmental Specialist
Division of Solid and Infectious Waste Management

DD:cl

cc: Kelly Jeter, DSIWM, CO
Mark Kroenke, DDAGW, NEDO
Allison Giancola, DSIWM, NEDO
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Sari Mandel, AGO
Darrick Willis, Summit County Health Dept.
Michael Cyphert, Walter & Haverfield LLP
File: [Sowers/CONS/Summit C&D Disposal/COR/77]
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