

**Environmental
Protection Agency**

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

March 21, 2011

**RE: SUMMIT C&D DISPOSAL
GROUNDWATER MONITORING
ORDER 12, DFF&O ISSUED 4-11-08
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. (Facility), from Bowser-Morner on behalf of the Facility. The Facility is located at 1947 Wadsworth Road, Norton. This letter provides review results of the following document:

- Response to the OEPA Letter of Notice of Deficiency dated April 30, 2010 Regarding Groundwater Monitoring Order 12 for Summit C&D Disposal, Inc. Facility, Norton, Summit County, Ohio, dated May 28, 2010

The document was received by Ohio EPA on June 1, 2010, and contains the Facility's response to Ohio EPA's notice of deficiency (dated April 30, 2010) regarding the Respondent's Revised Groundwater Monitoring Plan (dated November 10, 2009). Pursuant to Order No's. 12(b) and 13 of the Director's Final Findings & Orders dated April 11, 2008 (DFFO), the Respondent was required, in part, to submit for Ohio EPA approval a groundwater monitoring well system plan that details the installation and sampling of a sufficient number of up and downgradient monitoring wells to monitor the shallow groundwater quality in the peat, silt, and sand units. The locations shall consist of at least one upgradient well and a sufficient number of downgradient wells that will result in an accurate determination of groundwater quality in these units. If upon review of said plan, Ohio EPA sends the Respondent a notice of deficiency, the Respondent was to revise the plan as indicated and submit a revised plan to Ohio EPA for approval.

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Ohio EPA reviewed the document and compared it with the requirements in DFFO Order No's.12 and 13 below.

12. *"Not later than one hundred eighty (180) days after Ohio EPA's approval of the hydro-geological study report described in Orders 1 and 2, above, Respondent shall submit a groundwater monitoring well system plan for Ohio EPA review and approval that contains the details for installing and sampling additional groundwater monitoring wells to accurately determine the quality of groundwater in the first continuous significant zone of saturation and in the shallow groundwater of the peat, silt, and sand units in accordance with OAC Rule 3745-400-10 as effective August 31,2002. At a minimum the groundwater monitoring well system plan shall include the following:*
 - a. *Installation of four (4) additional down gradient monitoring wells, equally spaced, to monitor the groundwater quality in the first continuous significant zone of saturation, typically a silty sand or sand and gravel, along the one thousand two hundred sixty (1,260) liner feet of down gradient Facility boundary that is not currently monitored by the two down gradient monitoring wells, MW-1 R and MW-4;*
 - b. *Installation of a sufficient number of up gradient and down gradient monitoring wells to monitor the shallow groundwater quality in the peat, silt, and sand units. The location of these monitoring wells shall be based on the hydro-geological study report approved by Ohio EPA, and shall consist of at least one up gradient well and a sufficient number of down gradient wells that will result in an accurate determination of groundwater quality in these units.*
13. *Respondent's groundwater monitoring well system plan shall be reviewed by Ohio EPA. If Ohio EPA determines that the groundwater monitoring well system plan is deficient, Ohio EPA may approve the plan with conditions or modifications or may send Respondent a notice of deficiency indicating where the plan is deficient. Upon receipt of a notice of deficiency, Respondent shall revise the plan to correct all identified deficiencies and shall submit the revised plan to Ohio EPA for approval not later than thirty (30) days after receipt of the notice of deficiency."*

Violation

The Respondent is in violation of DFFO Order No.13, which requires the Respondent to correct all identified deficiencies and submit a revised groundwater monitoring plan to Ohio EPA for approval not later than 30 days after receipt of the notice of deficiency. The Respondent received a Notice of Deficiency from Ohio EPA, dated April 30, 2010, regarding the Respondent's Revised Groundwater Monitoring Plan, dated November 10, 2009, and

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responded with correspondence dated May 28, 2010. However, the Respondent's May 28, 2010 correspondence was not a revised groundwater monitoring plan as required by this order. To date, the Respondent has not submitted a revised groundwater monitoring plan. The owner/operator will remain in violation of this order until a revised groundwater monitoring plan is submitted by the Respondent.

Deficiency

The following groundwater monitoring plan deficiency remains: DFFO Order No. 12, which requires the Respondent to submit a groundwater monitoring well system plan for Ohio EPA review and approval, not later than 180 days after Ohio EPA's approval of the hydrogeological study report described in Order No's. 1 and 2, that detail the installation and sampling of additional groundwater monitoring wells to accurately determine the quality of groundwater in the first continuous significant zone of saturation and in the shallow groundwater of the peat, silt, and sand units in accordance with OAC Rule 3745-400-10 as effective August 31, 2002. At a minimum, the groundwater monitoring well system plan shall include a sufficient number of up and downgradient monitoring wells to monitor the groundwater quality in the first continuous significant zone of saturation, and the shallow groundwater quality in the peat, silt, and sand units.

The Respondent did not adequately address the following Ohio EPA concerns regarding the November 10, 2009 Revised Groundwater Monitoring Plan:

- The proposed location of shallow downgradient monitoring well MW-7s;
- The need for additional shallow sand monitoring wells, located outside the vertical barrier wall, but west of Copley Run, one due east of B-2 and one due east of B-6, to adequately monitor the quality of groundwater in the shallow discontinuous sand unit;
- The need for a shallow sand piezometer located outside the vertical barrier wall and somewhere south of the area between MW-2 and B-3; and
- Furthermore, the Respondent did not submit a revised groundwater monitoring well system plan that corrected these and other identified deficiencies, even deficiencies with which the Respondent agreed.

The Respondent, instead, requested a hydrogeologists-only meeting to discuss the site hydrogeologic issues, in the hopes that the Respondent will be better able to address Ohio EPA concerns, and submit a revised groundwater monitoring plan. This meeting was held on January 5, 2011. This meeting was productive and resulted in several agreements between Ohio EPA's and the Respondent's hydrogeologists regarding suitable locations for additional monitoring wells, piezometers, and borings. A summary of the agreements is included below:

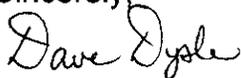
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- The proposed location for installing the replacement shallow sand monitoring well (MW-7s) is due east of the B-2/MW-7 area;
- Drilling of two additional borings (maybe wells/piezometers, but this will be a field call), one north of MW-6, and one in the middle of the northern facility boundary, to investigate the nature and extent of the first continuous zone of saturation underlying the facility in this area;
- Bowser-Morner will sample LW-8; if the leachate results are very different (worse) than LW-7, Bowser-Morner will begin regular sampling of LW-8 instead of LW-7;
- Drilling of a deeper well to replace existing well MW-4, which appears to have been installed too shallow and is not properly constructed; and
- Drilling two additional shallow sand wells, one located due east of B-6, and one located between MW-2 and B-3.

Until the Respondent submits a revised groundwater monitoring plan that contains these agreed to changes and all earlier changes with which the Respondent agreed, Ohio EPA is unable to officially resolve these issues pursuant to the April 2008 DFFO.

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
Robin Nichols, DSIWM-Legal
Sari Mandel, AGO
Darrick Willis, Summit County Health Dept.
Michael Cyphert, Walter & Haverfield LLP
File: [Sowers/CONS/Summit C&D Disposal/COR/77]
DSIWM #2895