



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

November 12, 2009

**RE: SUMMIT C&D DISPOSAL
LEACHATE MGT. PLAN
NOTICE OF VIOLATION**

CERTIFIED MAIL

John R. Eslich
Eslich Wrecking Company
3525 Broadway Ave. NE
Louisville, Ohio 44641

Dear Mr. Eslich:

On February 26, 2009, Ohio Environmental Protection Agency (Ohio EPA) received a document titled, *Response to Summit C&D Disposal, Leachate Management Plan, Notice of Deficiency from Ohio EPA Northeast District Office dated February 2, 2009, for Summit C&D Disposal, Inc., Norton, Summit County, Ohio*. This letter provides a notice of violations identified during Ohio EPA's review.

The plan was prepared by Bowser-Morner, on behalf of Summit C&D Disposal. The plan was submitted pursuant to Order No. 6 of Director's Final Findings & Orders ("DFF&O") issued April 11, 2008. Order No. 6 pertains to the leachate management system at Summit C&D Disposal, located at 1947 Wadsworth Road, Norton. The February 23, 2009 document and February 2, 2009 Notice of Deficiency (NOD) reference a July 8, 2008 document titled *Proposed Improvements to the Leachate Extraction System for Summit C&D Disposal Inc., Norton, Summit County, Ohio*. This letter provides a notice of deficiency regarding compliance with Order No. 6 of the DFF&O issued April 11, 2008.

Order No. 6 of the April 11, 2008 Orders states:

"Not later than ninety (90) days after the effective date of these Orders, Respondent shall submit a plan to upgrade the leachate extraction system to Ohio EPA for review and approval. This plan shall ensure that the operation of the leachate extraction system will reduce leachate levels within the Facility such that no more than one foot of leachate will be present on the in-situ geologic material underlying the emplaced C&DD. The plan shall provide for the installation of an additional permanent leachate storage tank with secondary containment. Upgrades may include, but are not limited to: full time operation of the leachate extraction system (all wells and collection trench sump), installing additional leachate extraction wells and/or collection trenches with sumps, provisions and schedules for monitoring the leachate levels within the facility, and provisions and schedules for inspecting and maintaining the leachate extraction system and all its components."

The July 8, 2008, October 16, 2008, and February 23, 2009 submittals appear to be a repackaging of information of existing leachate system components already known to Ohio EPA. The documentation, while deficient, was submitted within the timeframe as prescribed.

Violations and Comments

In lieu of Finding Nos. 39 and 40 of the October 21, 2008 ERAC Orders, Summit C&D Disposal (Summit) is not required to design a leachate collection system that complies with the design requirements prescribed by Ohio Administrative Code (OAC) 3745-400-07(F)(5)(c).

However, Summit is still obligated by the April 11, 2008 Orders to revise the plan to "provide for the installation of an additional permanent leachate storage tank with secondary containment. Upgrades may include, but are not limited to: full time operation of the leachate extraction system (all wells and collection trench sump), installing additional leachate extraction wells and/or collection trenches with sumps, provisions and schedules for monitoring the leachate levels within the facility, and provisions and schedules for inspecting and maintaining the leachate extraction system and all its components."

While some deficiencies have been resolved through the October 21, 2008 ERAC Orders, other deficiencies identified in the February 2, 2009 NOD remain with the February 23, 2009 document:

1. *Leachate Management System Description:* The description of the leachate extraction and control system is provided in Section 1.1 of the July 8, 2008 plan. For the 17 acre active licensed disposal area (ALDA), the system consists of seven existing leachate extraction wells (LW-1 through LW-6, LW-8), an existing leachate diversion trench along the east side of the facility, an existing leachate collection sump (LW-7), and two leachate collection tanks with a capacity of 10,000 gallons and 6,000 gallons respectively. The "proposed" system pertains to five additional extraction wells proposed for in the inactive licensed disposal area (ILDA). Ohio EPA notes the following:
 - a. *System Design Rationale:* The October 16, 2008 response states that Summit is not required to have a "leachate collection system" as specified in OAC 3745-400-07(F)(5)(c) as noted in the October 21, 2008 ERAC Orders Finding Nos. 27 through 41, in particular Finding Nos. 40 and 41. Based upon a review of the October 21, 2008 ERAC Orders, the information provided in the October 16, 2008 response is adequate, and no additional information is required to respond to the deficiency. It should be noted that ERAC reaffirmed that Summit is required to designing and installing a "leachate management system" capable of maintaining leachate to "as low of level as practical." Typically, leachate management systems around such unlined facilities consist of a perimeter leachate trench extending to at least the depth of any existing

CDD debris extending along any perimeter of the facility that is down-gradient or side-gradient of the facility, accounting for seasonal variations in ground water flow. Leachate tanks are typically designed to maintain a minimum of one-week storage capacity in the event of inclement weather preventing timely removal of leachate from the system. Summit responded with a response and design rationale, and revised Section 1.1 of the plan accordingly. While Ohio EPA may disagree with some of the rationale provided, a rationale was nonetheless provided and no additional response is required.

2. Leachate Pump System: The October 16, 2008 response states that leachate well locations LW-1, LW-2, and LW-3 do not contain sufficient levels of leachate levels for the installation of pumps, and that well locations LW-4 and LW-5 were replaced by LW-7 and LW-8. A review of the response provided by Summit on the leachate pump system contained in section 1.2 of the plan indicated the following:
 - a. Backup Pumps and System Redundancy: Summit responded that two spare pumps are maintained at the site, and that additional pumps can be provided as needed within 24 hours, revising the plan accordingly. The response appears adequate and no additional information is required.
 - b. Leachate Level Monitors: Summit stated in their February 23, 2009 response that pumps utilized for leachate removal are equipped with automatic level switches to ensure that pumps operate on and off properly and that pumps do not become damaged by running dry. The plan has been revised to reflect manual readings documenting leachate levels will be noted in a facility leachate management system log provided as revisions to the plan, demonstrating to Ohio EPA and the Barberton City Health Department (BCHD) that the "leachate management system" maintains leachate levels within the CDD debris disposal area to "as low a level as practical" as required by the operating license. The responses provided appear adequate and no additional responses are required.
3. Leachate Storage Tanks: The plan indicates that leachate pumped from leachate extraction wells LW-7 and LW-8 is pumped to a 10,000 gallon leachate storage tank, while leachate pumped from extraction well LW-6 is pumped to a 6,000 gallon leachate storage tank, with the plan referencing their locations with photographs on Sheet 5-5A in Appendix C. Information provided by Summit indicates that at least one of the current leachate pumps extract on average 6,000 gallons daily. A review of this information indicates the following:
 - a. Design Rationale for Tank Sizing: The response provided by Summit state that the owner/operator has demonstrated the ability to extract, haul, and treat more than 500,000 gallons monthly, citing that additional leachate tanks are unnecessary. While it is possible for Summit to extract and haul 500,000

gallons monthly during non-inclement weather periods, concerns remain about the ability of Summit to extract and haul such quantities during inclement weather periods, when leachate generation is most likely. Extracting and hauling in excess of 500,000 gallons monthly translates extracting and hauling more than 16,000 gallons of leachate daily, based on a 30 day haul schedule. As it is known that the system only operates on a 8-hour day, 5-day week cycle, actual daily leachate extraction and hauling ranges from 22,000 to 25,000 gallons daily for a 500,000 gallon monthly cycle.

As noted in the August 20, 2008 and February 2, 2009 NODs, Summit has provided no design calculations regarding the appropriate sizing of the leachate storage tanks for the volume of leachate both currently expected and proposed as the inactive portions of the disposal facility are developed. Design calculations must account for expected precipitation and type of cover system currently installed and envisioned as the landfill is developed. **This information must be provided.**

The current capacity of the leachate system as identified in both the July 8, 2008 submittal and again in the October 16, 2008 response as 16,000 gallons, which is less than a single day's worth of leachate extraction and hauling based upon a 500,000 gallon leachate removal monthly cycle. On-site storage of leachate of less than a single day is inadequate for the current area of debris placement. Ohio EPA stands behind its typical minimum of five to seven days of on-site storage to allow flexibility during inclement weather events that prevent tankers from removing leachate from the system.

The system must include calculations demonstrating the adequacy of the existing system to provide storage at the facility in the event inclement weather prevents access to these tanks. If the tanks provide less than seven days of on-site storage, additional tanks must be proposed to operate the "leachate management system" to maintain leachate head to "as low a level as practical" as cited by finding 39 of the October 21, 2008 ERAC Orders. **Please revise the plan to include provisions for additional on-site leachate tanks as prescribed by Order No. 6 of the April 11, 2008 Ohio EPA Orders.**

- b. Secondary Containment Structures: Summit states in their February 23, 2009 response that all leachate tanks are located within the limits of debris placement; and that secondary containment is provided via berms around those tanks. It is unclear if these secondary containment structures are constructed in any engineered manner with regards to permeability or design capacity, and no such details are provided in the accompanying plans. While tanks are located within the limits of debris placement, such areas containing cover soils separate clean storm water from waters in contact with waste (leachate). Allowing leachate to intermingle with storm water runoff is not

acceptable under either ORC § 6111 or ORC § 3714. Single-walled tanks may be located only within the areas of debris placement in cells without cover where all waters within the cell are collected, managed, and disposed of as leachate. Any leachate tanks located outside of these areas must be double-walled. Some leachate tanks may require permits from the Akron Air Quality Management District (AQMD) as an air emissions source. **Please address the above.**

4. Leachate Extraction System Operations: Section 2.0 provides details of the operation of the leachate extraction and control system. Ohio EPA notes that during various inspections during 2008, both the tanks and associated hoses were noted as leaking leachate. Odors have also been noted during leachate extraction activities. A review of this information indicates the following:
 - a. Rationale for Leachate Recirculation: Ohio EPA notes that Summit has removed any references to leachate recirculation in its February 23, 2009 revisions of the plan. Ohio EPA stands by its comments provided in the February 2, 2009 NOD in stating that the addition of 1,000 gallons of “treated” leachate appears to be leachate recirculation, something not currently authorized for this facility by BCHD. **While the plan has been revised to indicate that only up to 500 gallons of “treated” leachate will be added to hydrogen sulfide vents, Ohio EPA still considers this leachate recirculation. Please address the above.**
 - b. Summit must immediately cease adding any liquids and/or additives (including OrganiSol and Microb-Lift) to the leachate extraction wells and/or ground water monitoring wells. The facility must first receive the appropriate permit from Ohio EPA Underground Injection Control (UIC) before any further well injection can take place. The facility may contact Lindsay Taliaferro, Manager, DDAGW, CO, for further information regarding additional permit information. **Please address this concern.**
 - c. Leachate Recirculation for Dust Control: Ohio EPA notes that Summit has removed any references to leachate recirculation for dust control in its February 23, 2009 revisions of the plan. The revisions are acceptable and no additional information is needed.
 - d. Off-Site Disposal of Leachate: The description provided in Section 2.2.3 of the February 23, 2009 revisions to the plan indicates that the truck loading area has been revised to include provisions for containing any leachate potentially spilled by filling trucks for off-site disposal. As noted above, it is unclear if any secondary containment structures are constructed in any engineered manner with regards to permeability or design capacity, and no such details are provided in the accompanying plans. While tanks are located within the limits

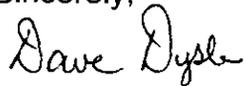
John R. Eslich
Eslich Wrecking Company
November 12, 2009
Page 6

of debris placement, such areas containing cover soils separate clean storm water from waters in contact with waste (leachate). **Allowing leachate to intermingle with storm water runoff is not acceptable under either ORC § 6111 or ORC § 3714. Leachate loading areas must contain a means of directing spilled leachate back into the tank containment area. Please address the above.**

5. Hydrogen Sulfide Monitoring Plan: The February 23, 2009 response by Summit indicates that revisions to this plan will be provided under separate cover.

Please revise the plan accordingly and resubmit the document for review not later than sixty days after receipt of this notice of deficiency. If you have any questions regarding this notice of deficiency, please call me at (330) 963-1286.

Sincerely,



Dave Dysle
Environmental Specialist
Division of Solid and Infectious Waste Management

DD:cl

cc: John Schmidt, DSIWM, NEDO
Kelly Jeter, DSIWM, CO
Robin Nichols, DSIWM-Legal
Lindsay Taliaferro, DDAGW, CO
Sari Mandel, AGO
Brian James, Summit SWCD
Darrick Willis, Summit County Health Department
Patrick Loper, Bowser-Morner
Michael Cyphert, Walter & Haverfield LLP
File: [Sowers/CONS/Summit C&D Disposal/COR/77]

DSIWM # 1718

U.S. Postal Service
CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

7009 1680 0000 6381 1800

CERTIFIED MAIL

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark
Here

11-12-09

Sent To John R Eslich
 Street, Apt. No.,
 or PO Box No.
 City, State, ZIP+4

PS Form 3800, August 2006 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

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

COMPLETE THIS SECTION ON DELIVERY

A. Signature Stephanie Knoff Agent Addressee
 B. Received by (Printed Name) STEPHANIE KNOFF C. Date of Delivery 11/15
 D. Is delivery address different from item 1? Yes No
 If YES, enter delivery address below:

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number

(Transfer from service label) 7009 1680 0000 6381 1800 Rate Dept 11-09