



**Environmental  
Protection Agency**

Secretary, Governor  
Deputy Secretary, Lt. Governor  
Regional Administrator, Director

November 15, 2010

**RE: MAHONING LANDFILL  
2009 ANNUAL REPORT  
NOTICE OF VIOLATION**

**CERTIFIED MAIL**

Scott Herman  
Mahoning Landfill, Inc.  
3510 Garfield Road  
New Springfield Ohio 44443

Dear Mr. Herman:

The Ohio Environmental Protection Agency (Ohio EPA) Northeast District Office (NEDO) has completed a review of the March 29, 2010 document titled *2009 Annual Operational Report, Mahoning Landfill, Inc.* The document was received on March 31, 2010. The report was prepared by Mahoning Landfill, Inc. (MLI) for the Mahoning Landfill, 3510 Garfield Road, Springfield Township, Mahoning County.

Ohio EPA has identified the following violations:

1. **OAC 3745-29-19(M)(1)** *The "Annual Operational Report" shall include, at a minimum, the following information summarizing the previous calendar year's operation: (1) A topographic map of all units of the sanitary landfill facility, certified by a professional skilled in the appropriate disciplines, with updated contour lines on the plan drawing containing information specified in rule 3745-27-06 of the Administrative Code. The scale and contour interval shall be consistent with the approved plans...*

The annual report topographic maps do not contain any elevations for the existing waste grades.

2. **OAC 3745-29-19(M)(1)...(h)** *On-site borrow areas and cover material stockpiles.*

The annual report topographic map does not show cover material stockpiles.

3. **OAC 3745-29-19(M)(1)...(i)** *A comparison of the actual vertical and horizontal limits of emplaced waste to the vertical and horizontal limits of waste placement authorized in the applicable authorizing documents...if emplaced waste exceeds the limits of vertical and horizontal waste placement authorized in the applicable authorizing documents, this comparison shall include a topographic map which delineates the areal extent of emplaced waste that exceeds the approved limits specified in such authorizing documents. In addition, the topographic map shall contain notes that indicate the following information for waste exceeding*

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*authorized limits of waste placement: the maximum estimated volume, the maximum depth, and the average depth.*

The comparison of actual vertical and horizontal limits of emplaced waste to the approved limits does not contain the elevations of existing waste placement; therefore, a determination of compliance with the grades in the approved permit-to-install cannot be made.

Ohio EPA has identified the following deficiency:

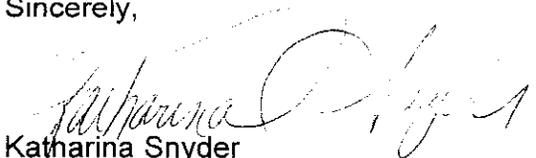
1. **OAC 3745-29-19(M)(5)** *Results of analytical testing of an annual grab sample of leachate...obtained from the leachate management system.*

The annual report did not specify where the leachate sample was obtained.

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 Entity 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 submit a response to this letter by December 15, 2010. If you have any questions concerning this letter, please contact me at (330) 963-1257.

Sincerely,

  
Katharina Snyder  
Division of Solid and Infectious Waste Management

KS:cl

cc: Allison Giancola, DSIWM-NEDO  
Mary Helen Smith, Mahoning County Health Department  
File: [Sowers/LAND/Mahoning LF/ANN/50]  
DSIWM #3259

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