



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

July 16, 2009

RE: MOUNT EATON LANDFILL  
NOTICE OF VIOLATION

Mr. Freeman Mullet  
Mount Eaton Reclamation, Inc.  
P.O. Box 256  
Mount Eaton, Ohio 44659

**CERTIFIED MAIL**  
**7008 3230 0003 5419 7891**

Twilight Mining, Inc.  
P.O. Box 403  
Berlin, Ohio 44610

**CERTIFIED MAIL**  
**7008 3230 0003 5419 7884**

Mr. Joseph Balog  
Norton Environmental Company  
6200 Rockside Woods Blvd., Suite 105  
Independence, Ohio 44131

**CERTIFIED MAIL**  
**7008 3230 0003 5419 7877**

Dear Gentlemen:

On July 1, 2009 and July 9, 2009, partial site inspections were conducted at the Mt. Eaton Landfill in Wayne County. The July 1, 2009 inspection was conducted by me and the July 9, 2009 inspection was conducted by Judy Bowman and me. The inspections were conducted to observe closure activities currently underway for the 14 acre cell. I understand that settlement discussions have taken place between Norton and the Attorney General's Office, which may change the closure details. However, at the current time, the facility is required to close the landfill in accordance with PTI # 02-6450, issued June 7, 1995.

On July 1, 2009, it was observed that waste relocation was taking place. Waste in the southern portion of the overheight area was cut and placed at the western slope. On July 9, 2009, it was noted that waste relocation was not taking place. Work was being conducted on the north side of the landfill in preparation for cap placement planned for the following week. Both soil and alternative daily cover (tarps) were being used as daily cover. For the July 9, 2009 inspection, it was determined that the facility was in violation of the following:

**OAC Rule 3745-27-19 (F):** "Daily cover shall be applied to all exposed solid waste by the end of the working day to control fire hazards, blowing litter, odors, insects, vectors and rodents."

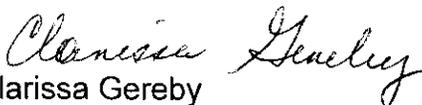
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On July 9, 2009, daily cover was not applied to all solid waste by the end of the previous working day. Solid waste was exposed and/or flagging and was not adequately covered with daily cover in several areas of the landfill. Photos are attached with this letter, which show exposed waste at the surface of the landfill.

Nothing in this letter shall be construed to authorize any waiver from the requirements of any other applicable federal or state laws or regulations, except as specified herein. This letter shall not be interpreted to release the owner or operator from responsibility under Ohio Revised Code (ORC) Chapters 3704, 3714, 3734, or 6111; under the Federal Clean Water Act, the Resource Conservation and Recovery Act, or the Comprehensive Environmental Response, Compensation, and Liability Act; or from other applicable requirements for remedying conditions resulting from any release of contaminants to the environment.

Please respond within 14 days of the receipt of this NOV. If you have any questions regarding this correspondence, please contact me at (330) 963-1224.

Sincerely,

  
Clarissa Gereby  
Environmental Specialist  
Division of Solid and Infectious Waste Management

CG/kss

cc: Ken Eng, WCHD  
Judy Bowman, Ohio EPA, DSIWM, NEDO  
Bruce McCoy, Ohio EPA, DSIWM, CO  
John Cayton, AGO, CO  
Dave Matthews, Norton Environmental

File: [Kurko/Land/Mt. Eaton LF/ Corr/85]

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Sent To: *Joseph Balog*  
 Street, Apt. No., or PO Box No.: *Boston*  
 City, State, ZIP+4: *6055 Rockside Woods Blvd*

PS Form 3800, August 2006 See Reverse for Instructions

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1. Article Addressed to:  
 Mr. Joseph A. Balog  
 Norton Environmental Company  
 6055 Rockside Woods Blvd.  
 Suite 100  
 Independence, Ohio 44131

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