



State of Ohio Environmental Protection Agency

Northeast District Office

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Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

November 27, 2009

**RE: LORAIN COUNTY II LANDFILL
LORAIN COUNTY
NOTICE OF VIOLATION**

Mr. Chris Jaquet
Environmental Manager
Lorain County Landfill, LLC
43502 Oberlin-Elyria Rd.
Oberlin, Ohio 44074

Dear Mr. Jaquet:

As you are aware, Ohio EPA has been conducting odor surveillance around Lorain County II Landfill in response to numerous citizen complaints received in recent weeks. While we have been in contact with you to relay our findings, this letter serves as formal notification that Ohio EPA has confirmed the presence of landfill odors in the community and that the odors rise to the level of a public nuisance.

Background

Ohio EPA has received more than 30 odor complaints since October 1, 2009 from residents living near the landfill. Citizens have described landfill odors as being "unbearable" and "sickening." Many of these complaints have alleged that landfill odors are worse after hours and on weekends.

Ohio EPA staff has observed easily detectable and at times very strong landfill gas odors on the landfill property during recent site visits. In addition, surface scans performed by Lorain County Landfill's contractor to meet the requirements of federal New Source Performance Standards (NSPS) have confirmed that landfill gas is escaping from the facility's surface.

Ohio EPA has conducted surveillance to determine whether the landfill odors are migrating off site. Surveillance over the last month was performed by driving the public roads nearest to the facility, with most trips occurring off hours to coincide with the time periods given in the complaints. Clearly detectable landfill gas odors were found on 5 out of 6 occasions. Such odors were detected along Butternut Ridge Road on October 30, November 3 and November 20, 2009; and at the intersection of Rte. 511 and Oberlin-Elyria Road on November 15, 2009. In addition, on November 8, 2009, Ohio EPA detected landfill odors along Butternut Ridge Road that were strong enough to cause a person to avoid them if possible.

In addition, we understand from correspondence from you, that off-site surveillance conducted by Lorain County Landfill personnel has confirmed the presence of landfill odors off site.

Violations

Because Ohio EPA has observed and documented strong landfill gas odors in areas surrounding the landfill and confirmed that Lorain II Landfill is the source, and because the numerous citizen complaints received by Ohio EPA indicate that the surrounding community finds the emissions to be offensive, to be causing nausea and headaches, and to be affecting

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their general welfare, Ohio EPA has found Lorain County Landfill, LLC to be causing a public nuisance. This is in violation of the following paragraphs of the Ohio Administrative Code (OAC):

OAC 3745-27-19(B)(3): *"The owner or operator shall operate the facility in such a manner that noise, dust, and odors are strictly controlled so as not to cause a nuisance or a health hazard."*

OAC 3745-27-19(B)(5): *"The owner or operator shall operate the facility in such a manner that operation does not create a nuisance or a health hazard, does not cause water pollution pursuant to Chapter 6111. of the Revised Code, and does not violate any regulation adopted by the director pursuant to Chapter 3704. of the Revised Code."*

OAC 3745-15-07(A): *"Except as provided in paragraph (B) of this rule, the emission or escape into the open air from any source or sources whatsoever, of smoke, ashes, dust, dirt, grime, acids, fumes, gases, vapors, odors, or any other substances or combinations of substances, in such manner or in such amounts as to endanger the health, safety or welfare of the public, or cause unreasonable injury or damage to property, is hereby found and declared to be a public nuisance. It shall be unlawful for any person to cause, permit or maintain any such public nuisance."*

In addition, the owner/operator is in violation of the following term from air pollution permit-to-install (PTI) No. 02-22821, issued October 8, 2008:

PTI 02-22821 Standard Terms and Conditions, A.8: *"The air contaminants emitted by the emissions units covered by this permit shall not cause a public nuisance, in violation of OAC rule 3745-15-07."*

Required Action

Lorain County Landfill, LLC must immediately employ any and all measures necessary to control nuisance odor emissions from the landfill to return to compliance with the above requirements. We understand through several communications with you that the company is taking steps to address odors from various areas, particularly the leachate sumps. We strongly recommend that the company consider all other potential odor causes as well. Given that the facility has had odor problems that necessitated resolution through Director's Orders as recent as December 6, 2006 and August 22, 2008, it is imperative that the company implement an effective, long term solution as quickly as possible. Within 14 days of receipt of this letter, please submit a written plan of the action steps, both current and anticipated, to mitigate landfill odor emissions. The submittal should include any dates by which any corrective measures are to be implemented. Ohio EPA may request detailed plans on the specific control measures at a later date.

The acceptance by Ohio EPA of any requested information does not constitute a waiver of Ohio EPA's authority to seek civil penalties as provided in Ohio Revised Code Section 3704.06 and 3734.13. The determination to pursue or not pursue such penalties in this case will be made by Ohio EPA at a later date.

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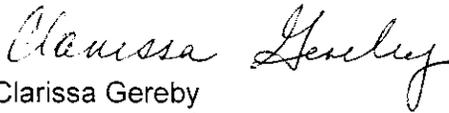
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Please also note that Ohio EPA is currently reviewing information related to the facility's gas collection and control system. Additional violations may be forwarded at a later date.

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.

If you have any questions regarding this correspondence, please contact me at (330) 963-1224.

Sincerely,



Clarissa Gereby
Environmental Specialist
Division of Solid & Infectious Waste Management

CG/mt

cc: Steve White, Steven H. White & Associates, Inc.
John Mason, EDI
John Sabo, Lorain County Health Department
New Russia Township Trustees
Tim Fischer, Environmental Supervisor, Ohio EPA, NEDO-DAPC
Bob Princic, Environmental Supervisor, Ohio EPA, NEDO-DAPC
Bruce McCoy, Environmental Manager, Ohio EPA, CO-DSIWM
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