



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

June 12, 2007

RE: **MT. EATON LANDFILL
GROUND WATER
NOTICE OF VIOLATION**

CERTIFIED MAIL

Mr. Steve Viny
Norton Environmental Company
6200 Rockside Woods Blvd., Suite 105
Independence, Ohio 44131

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

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

Dear Sirs:

The Ohio Environmental Protection Agency (Ohio EPA) has completed a review of the document entitled "Response to Ohio EPA's February 28, 2007 letter to the facility." concerning the Mt. Eaton Landfill located in Wayne County, Ohio. Ohio EPA received the document on April 30, 2007. The document is dated April 27, 2007, and was prepared by Eagon and Associates. Mt. Eaton Landfill is subject to operations under the revised 2003 Municipal Solid Waste Rules. The facility no longer accepts waste, has exceeded its permitted limits of waste placement, and is required to close. All of the wells in the ground water monitoring system are in the assessment monitoring program. The subject document was reviewed for compliance with Ohio Administrative Code (OAC) Rules 3745-27-10(E)(1), (E)(4)(g) and (E)(6), as cited in Ohio EPA's letter to the facility, dated February 28, 2007.

The following violation was identified during the review of the subject document.

OAC Rules 3745-27-10(E)(1), (E)(4)(g) and (E)(6): The owner/operator is in violation of these rules, which require the implementation of a ground water quality assessment plan capable of determining the concentration, rate and extent of waste-derived constituent(s) in the ground water. The owner/operator's response to the February 28, 2007 letter from Ohio EPA states, in part:

"the locations and number of monitoring wells is adequate to effectively monitor ground water quality beneath the site...this response is not intended to take the place of a comprehensive assessment report, but rather to demonstrate that the

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necessary steps are being taken to ensure that an accurate and complete assessment investigation is ongoing and that a first determination of rate, extent and concentration can be completed by the deadline as specified in the Ground Water Assessment Program for the Mt. Eaton Landfill" (subject document, p. 3).

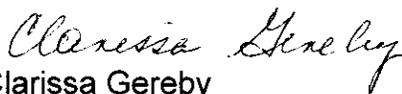
The owner/operator's response does not address the vertical determination of rate, extent and concentration of the ground water contamination, detected at monitoring well MW-20D. Dichlorodifluoromethane (CFC-12) has been consistently detected in this well since December 2004.

One additional monitoring well, at minimum, is needed to investigate the vertical extent of this ground water contamination. Other wells or information may be needed to fully determine the vertical and horizontal rate, extent and concentration of the organic and inorganic waste-derived constituents present in the ground water in accordance with OAC Rule 3745-27-10(E)(6). The ground water quality assessment plan should be revised accordingly.

Please submit a response to this office within thirty days of receipt of this letter. If you have any questions regarding this review please contact me at (330) 963-1224. Please submit all correspondence to my attention at the Ohio EPA Northeast District Office, 2110 East Aurora Road, Twinsburg, Ohio 44087.

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.

Sincerely,


Clarissa Gereby
Environmental Specialist
Division of Solid & Infectious Waste Management

CG:d

cc: John Cayton, AGO
Ken Eng, Wayne County Health Department
Dave Matthews, Norton Environmental Company
File: [Tukel/LAND/Mt. Eaton LF/ GRO/85]

Judy Bowman, DSIWM, NEDO
Bruce McCoy, DSIWM, CO

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