



State of Ohio Environmental Protection Agency

Northeast District Office

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Twinsburg, Ohio 44087

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www.epa.state.oh.us

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

October 25, 2007

RE: 2006 ANNUAL REPORT
MOUNT EATON LANDFILL
NOTICE OF VIOLATION/NOTICE OF
DEFICIENCY

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, Ohio 44659

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

Dear Gentlemen:

The Ohio Environmental Protection Agency (Ohio EPA) has received the 2006 Annual Report for the Mount Eaton Landfill located at 8544 TR105 in Navarre, Ohio. This document was received at Northeast District Office (NEDO) on March 29, 2007.

The technical aspects of the 2006 Annual Operational Report have been reviewed by Ohio EPA to determine compliance with rule 3745-27-19(M) of the Ohio Administrative Code (OAC). As a result of this review, Ohio EPA has identified the following violations and deficiencies:

VIOLATIONS:

1. OAC Rule 3745-27-19(M)(1)(I) requires the annual report to contain "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 document(s), including an approved permit(s) to install, plan approval, or operational report. If emplaced waste exceeds the limits of vertical and horizontal waste placement authorized in the applicable authorizing document(s), this comparison shall include a topographic map which delineates the areal extent of emplaced waste that exceeds approved limits specified in such authorizing documents. In addition, the topographic map shall contain

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notes that indicate the following information for waste exceeding authorized limits of waste placement: maximum estimated volume, the maximum depth, and the average depth."

A topographic map, labeled 1 of 1, was included. The topographic map does not clearly show the actual horizontal limits of actual waste placement. Ohio EPA's inspection of the facility on April 3, 2006, documented in a Notice of Violation dated April 21, 2006, indicated that waste may be placed outside of the horizontal limits of waste placement.

The emplaced waste exceeds the limits of waste placement in the current authorizing document, Permit to Install Number 02-6450. A topographic map must be submitted which clearly delineates the areal extent of all waste which exceeds horizontal and/or vertical limits of waste placement.

The maximum depth and average depth of waste exceeding authorized limits of waste placement was not included. Note 2 on the topographic map states, based on information obtained by URS from test holes performed by Norton, the total net waste above permitted grades is 14,904 cubic yards. The report does not contain any information whatsoever to support this estimate, and the estimate contradicts previous estimates of the amount of waste above permitted grades. This rule requires that the maximum estimated volume of waste be indicated.

2. **OAC Rule 3745-27-19(M)(6)** requires the annual report to contain "*The most recent updated final closure cost estimate, post-closure care cost, and, if applicable, corrective measures cost estimate, adjusted for inflation and for any change in final closure cost estimate, post-closure care cost estimate, or corrective measures cost estimate required by rules 3745-27-15, 3745-27-16, and 3745-27-18 of the Administrative Code.*"

The annual report does not contain itemized cost estimates as required by the rule. Itemized cost estimates must be submitted with the annual report. Several Notices of Violation have been sent previously detailing violations of financial assurance requirements. The owner/operator has failed to rectify these violations. The closure costs have significantly increased at the facility. Financial assurance must be provided to close the facility and conduct post-closure care in accordance with the current authorizing documents. The final closure cost estimate must include the cost for removal, transport and disposal of all waste located outside permitted limits of waste placement.

3. **OAC Rule 3745-27-19(M)(4)** states that the annual operational report must include "*A summary of the quantity of leachate collected for treatment and disposal on a monthly basis during the year, location of leachate treatment and/or disposal, and verification that the leachate management system is operating in accordance with this rule.*"

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The owner or operator did not submit verification that the leachate management system is operating in accordance with this rule.

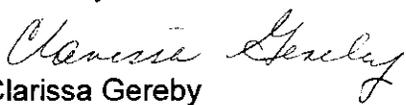
DEFICIENCY:

In Section 3, Solid Waste Facility Operational Status, the box that states "Check here if facility was inactive in 2006" is checked. As stated in the Annual Report form, inactive means a facility with remaining approved capacity and/or a current license that has temporarily ceased receiving waste but has not begun closure activities. Mt. Eaton Landfill does not have any remaining approved capacity, nor does it have a current license. Please include this information in section 3 of the revised annual report.

Please address the violations and deficiencies and submit a revised annual report to this office within 30 days of the receipt of this letter. If you have any questions regarding this review, please do not hesitate to call me at (330) 963-1224, or e-mail me at clarissa.gereby@epa.state.oh.us.

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 Act or 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.

Sincerely,


Clarissa Gereby
Environmental Specialist
Division of Solid & Infectious Waste Management

CG:cl

cc: Bruce McCoy, DSIWM, CO
John Cayton, AGO
Ken Eng, Wayne County Health Department
Judy Bowman, DSIWM, NEDO
Fanny Haritos, DSIWM, CO
Dave Matthews, Norton Environmental
Tom Kovacic, URS
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