



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

February 23, 2010

**RE: 2008 ANNUAL REPORT
EDGEWATER PLANT CLASS III
RESIDUAL WASTE LANDFILL
NOTICE OF VIOLATION**

CERTIFIED MAIL

Mr. Paul Kish
Program Specialist
First Energy
76 South Main St.
Akron, Ohio 44308

Dear Mr. Kish:

Ohio Environmental Protection Agency (Ohio EPA) received the 2008 Annual Post-Closure Report for the Edgewater Plant Class III residual waste landfill, located in Sheffield Township, Lorain County, on March 26, 2009.

The technical aspects of the 2008 Annual Post-Closure Report have been reviewed by Ohio EPA to determine compliance with rule 3745-30-10(C)(6) of the Ohio Administrative Code (OAC). The following violation was noted during the review of the report:

Ohio Administrative Code (OAC) 3745-27-30(A)(6)(c) requires the annual post-closure care report for landfill facilities to include the most recent, itemized, post-closure care cost estimates, and corrective measures cost estimates, if applicable. In **Section 3. Itemized Cost Estimates**, the box for "Are the cost estimates that you submitted with this report itemized?" is checked "Yes," however, there are no itemized cost estimates submitted with the document. Within 45 days of the receipt of this letter, please submit an itemized cost estimate for the remaining post closure care period.

In the 2008 annual post-closure report, the updated post-closure care cost is \$427,789. There are deficiencies in the Financial Assurance for post-closure care. Please see the February 22, 2010, Notice of Deficiency (NOD) sent by Fanny Haritos, Division of Solid and Infectious Waste Management, Central Office.

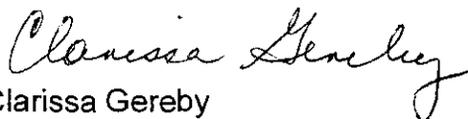
Nothing in this letter shall be construed to authorize any waiver from the requirements of any applicable state or federal laws or regulations. This letter shall not be interpreted to release the entity from responsibility under Chapters 3704, 3714, 3734, or 6111 of the Ohio Revised Code or under the Federal Clean Water Act or the Resource

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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 review, please do not hesitate to call me at (330) 963-1224, or e-mail me at "clarissa.gereby@epa.state.oh.us."

Sincerely,



Clarissa Gereby
Environmental Specialist
Division of Solid & Infectious Waste Management

CG:cl

cc: John Sabo, Lorain County Health Department
Fanny Haritos, DSIWM, CO
File: [Kurko/LAND/Ohio Edison Edgewater/ANN/47]
Project ID 2422

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 Paul Kish
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PS Form 3800, August 2006 See Reverse for Instructions

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1. Article Addressed to:

 Mr. Paul Kish, Program Specialist
 First Energy
 76 South Main St.
 Akron, Ohio 44308

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