



**Environmental
Protection Agency**

Ted Strickland, Governor
Lee Fisher, Lt. Governor
Chris Korleski, Director

September 28, 2010

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

CERTIFIED MAIL

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

Mr. Mike Dae
Wellfield & Environmental Compliance Manager
Lorain County Power Station
Energy Developments, Inc.
43502 Oberlin-Elyria Rd.
Oberlin, Ohio 44074

Dear Sirs:

This letter is to notify you of violations that have occurred/are occurring at Lorain County II Landfill. Specifically, the violations relate to nuisance odors. The violations are described in greater detail below.

As you are aware, Ohio EPA has been conducting odor surveillances to determine whether landfill odors continue to migrate off site. In the past three weeks, three odor surveillances were conducted by Ohio EPA staff:

I conducted odor surveillance near the landfill on Monday, August 23, 2010, between 5:45 - 6:16 a.m.. Landfill gas odors were detected on Oberlin-Elyria Rd. near the entrance of the landfill, and the odor extended east to "Dale's Bike Shop" (43239 Oberlin Elyria Road). On the odor intensity scale it was a 2.5 (on a scale of 4) during the first drive around the landfill, and a 2.0 during the second drive around the landfill.

I again conducted odor surveillance near the landfill on Thursday, September 2, 2010, between 5:38 - 6:15 a.m. and detected landfill gas odors on Butternut Ridge Rd., approximately a quarter to a half mile west of West Ridge Rd. On the odor intensity scale it was a 2 (on a scale of 4) during the first drive around the landfill, 2.5 during the second drive around the landfill and 1.0 during the third drive around the landfill.

Jennifer Kurko conducted odor surveillance near the landfill on Monday, September 6, 2010, between 7:59 - 8:52 p.m., and detected landfill gas odors on Butternut Ridge Rd., at the entrance of the "Vitaful Orchard" (43802 Butternut Ridge Rd.). On the odor intensity scale it was a 2 (on a scale of 4) during the first drive around the landfill. It was a 2.5 during the second drive around the landfill, and extended east approximately a quarter mile.

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A "1" on the Odor Intensity Scale is described as a "Concentration which is just barely detectable." A "2" on the Odor Intensity Scale is described as "A distinct and definite odor whose characteristic is clearly detectable." A "3" on the Odor Intensity Scale is described as "An odor strong enough to cause a person to avoid it completely."

In addition, Ohio EPA continues to receive odor complaints from residents near the landfill, and as recently as September 23, 2010. Citizens have described the landfill odor in recent weeks as "very strong" and "so strong it woke us up."

Lorain County Landfill, LLC and Energy Developments, Inc., are in violation of the following paragraphs of the Ohio Administrative Code (OAC) because of failure to control the release of landfill emissions, resulting in odors offensive to the senses and interfering with the surrounding community's comfortable enjoyment of life and property:

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 owners/operators are in violation of the following term from air pollution modification permit-to-install (PTI) #P0106053, issued April 6, 2010:

PTI POI06053 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."*

In the July 16, 2010, response to Ohio EPA's July 7, 2010, Notice of Violation, Republic Services, Inc. outlined specific actions that have been taken by the owners/operators "to determine the cause of these odors, [and] eliminate them." The letter further states, that "much of this work culminated in a well redrilling, component replacement and combo well installation construction event during the months of May, June and early July." All of the remedial actions outlined in the July 16, 2010 letter have been completed, yet nuisance odors continue to be identified in the community.

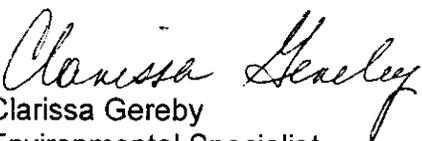
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In order to return to compliance with the aforementioned requirements, Lorain County Landfill, LLC must immediately employ any and all measures necessary to eliminate the conditions leading to the escape of landfill gas and garbage odors. Within 14 days of receipt of this letter, please submit a written plan of the steps to be taken to permanently abate the odor nuisance.

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 remediating 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:cl

cc: Steve White, Steven H. White & Associates, Inc.
John Mason, Energy Developments, Inc.
John Sabo, Lorain County Health Department
New Russia Township Trustees
Tim Fischer, Environmental Supervisor, Ohio EPA, NEDO-DAPC
Carl Mussenden, Environmental Specialist, Ohio EPA, CO-DSIWM
Nicholas J. Bryan, AGO
Jerry Parker, Environmental Engineer, Ohio EPA, NEDO-DSIWM
File: [Princic/Kurko/Land/BFI Lorain County II Landfill/Cor/47]

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Sent to: *Chris Jaquet*
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 City, State, ZIP+4:

PS Form 3800, August 2006 See Reverse for Instructions

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Sent to: *Mike Dae*
 Street, Apt. No. or PO Box No.: *Energy Developments*
 City, State, ZIP+4:

PS Form 3800, August 2006 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

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- Print your name and address on the reverse so that we can return the card to you.
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Mr. Chris Jaquet
 Environmental Manager
 Lorain County Landfill, LLC
 43502 Oberlin-Elyria Rd.
 Oberlin, Ohio 44074

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent Addressee

B. Received by (Printed Name) *Patricia A. Wemeth*

C. Date of Delivery *9-30*

D. Is delivery address different from item 1? Yes No
 If YES, enter delivery address below:

3. Service Type
 Certified Mail Express Mail
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Mr. Mike Dae
 Wellfield & Environmental Compliance Manag
 Lorain County Power Station
 Energy Developments, Inc.
 43502 Oberlin-Elyria Rd.
 Oberlin, Ohio 44074

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent Addressee

B. Received by (Printed Name) *Patricia A. Wemeth*

C. Date of Delivery *9-29*

D. Is delivery address different from item 1? Yes No
 If YES, enter delivery address below:

3. Service Type
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 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number
 (Transfer from service label) *7010 1060 0000 0089 9012 C. Service 9-28-10*

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