



State of Ohio Environmental Protection Agency

Northwest District Office

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

Re: Defiance County Landfill
Inspection Results

November 10, 2009

Defiance County Commissioners
500 Court Street
Defiance, Ohio 43512

Dear Commissioners:

On November 4, 2009, I, representing the Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM) conducted an inspection of the Defiance County Landfill (facility). This inspection was conducted in accordance with Ohio Administrative Code (OAC) Rule 3745-37-08(C)(6). The purpose of the inspection was to verify compliance with OAC Chapter 3745-27 and the approved Permits to Install No. 03-8986 and 03-16690. June Crosser represented the facility during the inspection. Jill Shaeffer, with Ohio EPA, DSIWM, Central Office was also present during the inspection.

This letter is intended to:

- Describe my observations of the facility, and
- Notify the owner/operator of any violations of the rules identified.

Description of Ohio EPA's observations of the facility:

The required daily log of operation was reviewed. Daily logs required by OAC Rule 3745-27-19(E)(10) include the records of the weights of waste received (Form 2), the daily facility inspection checklist (Form 3), and the required weekly surface water structure inspection documentation (Form 4). Incoming waste logs were reviewed through November 3, 2009 and appeared properly completed. Completed daily inspection checklists are now being completed and kept at the Facility. The daily inspection checklists were adequately completed and were available for inspections conducted through November 4, 2009. Documentation of weekly surface water inspections conducted through August 20, 2009 was also reviewed.

The PCB/hazardous waste prevention and detection program inspection logs for September 3 through October 29, 2009 were also reviewed.

The weather at the time of the inspection was cool and sunny with a light southeast wind.

A minor amount of blown litter was observed in several of the areas inspection. There were no litter pickers on duty at the time of the inspection.

Unit 2 - BAT/South Expansion Area

All waste placement activities were occurring in Phase 2A. The working face was located in the northeast corner of the cell. No prohibited materials were observed. Soil for use as daily cover was staged northwest of the working face.

Significant flagging in the daily cover was observed in an area of daily cover in Phase 2A. Additionally, an area in the northwest corner of Phase 2A appeared to contain little to no cover and a large amount of blackbirds were observed concentrated in the area of exposed waste. Ms. Crosser agreed that the cover was not adequate and indicated that it was due to recent rainfall and associated soils being used for daily cover containing a large amount of moisture. Photos 1 and 2 depict areas of inadequate daily cover.

Flagging was noted in the intermediate cover on the west half of the "top" of Phase 1A and in Phase 1B. **Cover in these areas did not meet the specification of intermediate cover and should be immediately addressed to avoid any potential future violations.** Photo 3 depicts the area of inadequate intermediate cover.

Unit 1 - Old/North Area of the Landfill

Work on the four acres of final cover that was constructed this year has been mostly completed. Ms. Crosser indicated that the vegetative layer had been placed and the cap was in the process of being certified, but that several high spots would likely need to be addressed.

Waste disposal operations in Phase 4 remain on hold due to access issues caused by recent rainfall events, and the resulting effect on the access roads. Additionally, recent rainfall events caused areas of significant ponding in areas of Phase 4. An attempt was made to drain the ponded water into the landfill by excavating approximately 10-15 holes through the intermediate cover and allowing the water to drain into the waste. Photos 4 and 5 depict the areas of ponding and the holes excavated to drain the ponded water.

Notification of violations of Ohio laws and rules:

1. OAC Rule 3745-27-19(F) states, "Daily cover shall be applied to all exposed solid waste by the end of the working day to control fire hazards, blowing litter, odors, insects, vectors, and rodents. In no event shall solid waste be exposed for more than twenty-four hours after unloading."

Daily cover material shall be nonputrescible, shall not contain large objects in such quantities as may interfere with its application and intended purpose, and shall not be solid waste, unless the owner or operator has received prior, written authorization in accordance with paragraph (F)(3)(a). The rule further specifies that daily cover shall be a minimum of six inches in thickness.

The owner/operator must use a cover material that can be adequately spread and removed, while meeting the definition of OAC Rule 3745-27-19(F), in all weather conditions. Additionally, regardless of the weather conditions the owner/operator is responsible to ensure that all areas are covered at the end of the working day. The daily cover observed in Phase 2A was not adequate; therefore, the owner/operator is in violation of OAC Rule 3745-27-19(F).

2. OAC Rule 3745-27-19(J)(1) states in part, *"The owner operator shall ensure that surface water at a sanitary landfill facility is diverted from areas where solid waste is being or has been deposited....."*

Excavating holes through the intermediate cover in Phase 4 and diverting water into areas where solid waste has been deposited is a violation of OAC Rule 3745-27-19(J)(1).

3. OAC Rule 3745-27-19(J)(3) states, *"If ponding or erosion occurs on areas of the sanitary landfill facility where waste is being, or has been deposited, the owner operator shall undertake actions as necessary to correct the conditions causing the ponding or erosion."*

The lack of proper grading, to promote positive drainage is the cause of the ponding in Phase 4. Excavating holes through the intermediate cover in Phase 4 and diverting water into areas where solid waste has been deposited is not correcting the conditions causing the ponding. The owner/operator is therefore, in violation of OAC Rule 3745-27-19(J)(3). In order to correct this violation Phase 4 must be adequately graded to promote positive drainage. Please respond in writing within 14 days of receipt of this letter indicating how the owner/operator will address this violation.

This correspondence addresses specific observations only for the areas of the Defiance County Landfill that were inspected. Nothing present in, nor absent from this correspondence is intended to mean that no additional violations existed at the facility at the time of inspection.

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Compliance with the requirements outlined in this letter, or the solid and infectious waste provisions contained in the Ohio Revised Code Chapter 3734. and the rules promulgated thereunder, does not relieve the owner/operator of the Defiance County Landfill from their obligations to comply with other applicable state and federal laws and regulations.

Should you have any questions, please contact me at (419) 373-4114.

Sincerely,



Brent M. Goetz, SIT
Environmental Specialist
Division of Solid and Infectious Waste Management

/csf

pc: Mr. Tim Houck, Defiance County Landfill
File: Defiance County, Defiance County Landfill, Inspections

ec: Abdul Smiley, DSIWM, NWDO
Mike Reiser, DSIWM, NWDO
Jill Shaeffer, DSIWM, CO

Defiance County Landfill 11-04-09 Inspectio..



Photo 1- Area of inadequate daily cover, taken by Brent Goetz



Photo 2- Area of inadequate daily cover, taken by Brent Goetz



Photo 3- Area of inadequate intermediate cover, taken by Brent Goetz



Photo 4-Area of ponded water with excavated hole to drain water into waste, taken by Brent Goetz



Photo 5- Excavated hole to drain water into waste, taken by Brent Goetz