



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

August 15, 2008

Defiance County Commissioners
500 Court Street
Defiance, Ohio 43512

Dear Commissioners:

On July 29, 2008, 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. Tim Houck and June Crosser represented the facility during the inspection. Abdul Smiley of Ohio EPA and James Moseley and Jim Hamilton of The Mannik & Smith Group, Inc. were also present for portions of the inspection.

This letter is intended to:

- Describe my observations of the facility,
- Notify the owner/operator of any violations of the rules identified,
- Detail the actions the owner/operator must take to correct the violations, and
- Discuss other Ohio EPA recommendations and comments.

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 yearly cover sheet (Form 1), 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 for April 17 through July 28, 2008 and appeared properly completed. Completed daily inspection checklists were available on site for inspections completed through July 22, 2008. Documentation of weekly surface water inspections conducted from April 16 through July 8, 2008 was also reviewed.

The PCB/hazardous waste prevention and detection program inspection logs for April 11 through July 23, 2008 were reviewed. No issues were noted.

The weather at the time of the inspection was sunny and warm with very little wind.

No blown litter was observed in the areas of the facility inspected. Ms. Crosser stated that the facility has two or three litter pickers on duty each morning. Truck traffic generated very little dust on facility roadways; watering of facility roads was noted during the inspection.

Unit 2 - BAT/South Expansion Area

All disposal activities were occurring in Phase 1A of Unit 2. The working face was located in the south central portion of the cell and was well-confined. The previous days' soil cover that had been removed before the day's waste placement activities began was staged around the working face for re-use at the end of the working day. No prohibited materials were observed in the working face. Ms. Crosser stated that the facility had begun using a spotter at the working face to direct truck traffic and unloading, pick up litter, and look for and remove prohibited material, such as scrap tires.

The intermediate cover in the western portion of Phase 1A appeared adequate. Significant flagging of waste was observed in the flat area northeast of the working face, on the east side of Unit 2 Phase 1A, covering the previous waste lift. See attached photo. It had been more than thirty days since waste placement activities occurred in this area. Mr. Houck stated soil would be added to the area.

Construction of Phase 2 of Unit 2 was nearing completion. The facility's plan for select waste placement in Phase 2 was discussed. The owner/operator intends to continue to dispose of waste that is not acceptable for use as select waste in Phase 1A. In addition, Mr. Houck stated that placement of select waste in Phase 1B would be completed as soon as practicable and this area placed under intermediate cover, so that the volume of leachate that is produced could be reduced.

Unit 1 - Old/North Area of the Landfill

Erosion was observed in several areas of Unit 1 where erosion has been observed in previous inspections, specifically the southeast corner and the south slope up to Phase 4. Minor erosion was also noted on the west slope. Documentation of repair of erosion was noted in the daily log of operations forms on May 23 and June 17, 2008. It was discussed that it appeared as though water was "overtopping" surface water control benches of in some areas, causing the erosion. The landfill has begun subgrade preparation work for construction of final cover on portions of the east and south slopes and intends to regrade the erosion areas as part of this project. In addition, grass will be planted in the fall. Please ensure that the presence and repair of erosion continues to be documented in the facility's daily log as required by OAC Rule 3745-27-19(E)(11)

and that the owner/operator undertakes actions as necessary to correct the conditions causing the erosion as required by OAC Rule 374-27-19(J)(3).

Both the upper and lower sedimentation basins are in need of silt removal. Mr. Houck stated that the county is obtaining quotes from contractors and intends to complete the cleanout project this fall or winter.

Some flagging of waste was observed in the intermediate cover at the top of Phase 4. In addition, recent construction/enhancement of a road for equipment access for the final cover project appears to have created an area that will likely hold water in the event of a rain storm. Ms. Crosser stated that soil stockpiled in this area would be sufficient to cover the exposed waste and that the low area would be regraded to shed water as the intermediate cover work was completed. Photos of the area were received via email on August 6, 2008. It appeared from the photos that soil had been added to the area with flagging waste and that the low-lying area had been regraded.

A significant amount of exposed waste was again observed on the north slope of Unit 1, downslope from Phase 4 and also near the surface water bench and rock letdown in the northeast corner of the unit. No waste placement activities have occurred in Unit 1 since late 2007. It appeared that portions of the north slope had been regraded; however it was unclear why waste remained exposed in this area. Photos of the area were received via email on August 6, 2008. It appeared from the photos that the area had been regraded. Adequacy of the area's intermediate cover will be re-evaluated during Ohio EPA's next inspection of the facility.

The leachate outbreaks observed during the last inspection on the top of Phase 4 and along the access road on the north side of the landfill have been repaired. No evidence of additional leachate outbreaks was observed.

Construction of the east leachate collection trench near the toe of the south slope of Unit 1 had recently been completed and the windmill that pumps the leachate to the west leachate collection trench had been installed. Mr. Houck stated that the system had pumped 24,100 gallons of leachate since it had been installed approximately three weeks prior to the inspection. It was noted during the inspection that there did not appear to be a way to determine the depth of leachate in the sump. Mr. Moseley stated he would investigate and have the contractor correct as necessary.

The facility's phasing with respect to the location of waste disposal was discussed during the inspection. This issue is discussed in greater detail in Paragraph A of the "Recommendations and other comments" section of this letter, below.

Notification of violations of Ohio laws and rules:

Two violations were identified during or as a result of the inspection.

1. The owner/operator is in violation of OAC Rule 3745-27-19(G), which states in pertinent part:
. . . the owner or operator shall apply intermediate cover to all filled areas of a sanitary landfill facility where additional waste is not to be deposited for at least thirty days. . . . A soil layer, a minimum of twelve inches thick, consisting of well-compacted loam, silt loam, clay loam, silty clay loam, silty clay or some combination thereof, shall be used. . . . The owner or operator shall perform measures to protect the intermediate cover from erosion.

for failing to apply and maintain adequate intermediate cover in areas where additional waste has not been disposed for more than 30 days, as described in detail above.

2. The owner/operator is in violation of OAC Rule 3745-27-19(B)(2), which states in pertinent part:
The owner or operator shall conduct all construction and operation at a sanitary landfill facility in strict compliance with the applicable authorizing document, including permit to install, . . .

for failing to construct final cover in Unit 1 in accordance with the phasing plan as detailed in PTI No. 03-8986. This violation is discussed in greater detail in Paragraph A of the "Recommendations and other comments" section of this letter, below.

Actions the owner/operator must take to correct the violations:

- Ensure that intermediate cover is applied to any area where waste will not be placed for 30 or more days. Ensure that intermediate cover is maintained so that all waste continues to be covered with at least 12 inches of soil.
- Provide training or additional instruction to landfill employees that are responsible for intermediate cover application and maintenance regarding the intermediate cover requirements.
- Ensure that the owner/operator's schedule for construction of final cover and other engineered components and location for waste disposal is in compliance with the phasing plans that were approved in Permits to Install No. 03-8986 and 03-16690 OR request and obtain approval of an alteration to that permitted phasing plan if deviation from the phasing plans will be necessary.

- Within 30 days, send a written reply to my attention at the letterhead address that details how the owner/operator will correct/has corrected the violations. Include documentation of the training provided to employees in your response.

Recommendations and other comments:

A. Facility Phasing:

- A1. Ohio EPA's letter to the owner/operator concerning the January 25, 2008 inspection, Ohio EPA reminded the owner/operator to:

“Ensure that the location of the facility's waste disposal activities complies with OAC Rule 3745-27-19(E)(7)(b), which states:

The owner or operator shall not begin filling in a new phase, without completing the previous phase, except to the extent necessary for the proper operation of the sanitary landfill facility.

Since select waste placement has been completed in Unit 2 Phase 1, proper operation no longer necessitates filling in Phase 1 and waste placement activities should move back into Phase 4 of Unit 1.”

Following is a summary of the owner/operator's plan for completion of Phase 4, as explained to Ohio EPA during a discussion at the next inspection on March 6, 2008:

It was not safe for waste trucks to return to Phase 4 when the facility completed placement of the select waste layer in Unit 2 Phase 1 in late winter 2007/2008 as the road had not been used for some time and was covered with ice and snow. As winter ended, the facility decided to “save” the space in Phase 4 so that it could be used as Unit 2 Phase 2 is constructed. Unit 2 Phase 2 lies east of Unit 2 Phase 1, which is downwind. Waste disposal operations will move back into Unit 1 Phase 4 while clay liner construction is occurring in Unit 2 Phase 2 to prevent blown litter from interfering with construction.

Ohio EPA concurred that this plan was consistent with the intent of OAC Rule 3745-27-19(E)(7)(b).

During the inspection, it was observed that waste disposal activities remained in Unit 2 Phase 1 and did not return to Unit 1 Phase 4 as anticipated. Mr. Houck explained that construction of the east leachate collection trench near the toe of the south slope of Unit 1 necessitated

removal of a portion of the road which provides access to Phase 4 such that waste truck access was not possible. Mr. Houck further explained that the facility's consultant, The Mannik & Smith Group, Inc., is working on an alteration request that is intended to change the facility's phasing.

Ohio EPA Northwest District Office (NWDO) DSIWM staff and management discussed this explanation on July 30, 2008 and agreed that delaying return of disposal activities until the access road was repaired was consistent with the intent of OAC Rule 3745-27-19(E)(7)(b). However, no obstacles currently exist that prohibit return of disposal activities to Unit 1 Phase 4.

To avoid a future violation of OAC Rule 3745-27-19(E)(7)(b), the owner/operator must immediately return waste disposal activities to Unit 1 Phase 4 or request and obtain approval of an alteration to the facility's phasing plan.

A2. As Ohio EPA investigated the waste disposal phasing issue detailed above, it was determined that the facility was not in compliance with the final cap phasing plan depicted on drawing 6D in PTI 03-8986. The PTI shows final capping of Unit 1 Phase 3 around the entire old landfill to an approximate elevation of 815. This capping should have been completed when the facility moved into Unit 1 Phase 4. Work on a portion of this final cap is currently under way. If the entire area depicted on drawing 6D will not be completed this fall, the owner/operator may want to consider including a change to the final capping phasing in the alteration request discussed above.

B. Ohio EPA's May 14, 2008 letter regarding the April 18, 2008 inspection requested specific actions from the owner/operator in response to an inadequate daily cover violation cited in that letter. An email from Mr. Tim Houck received on June 19, 2008 addressed those requests and included documentation of the efforts the owner/operator has taken in response. Thank you for your prompt response.

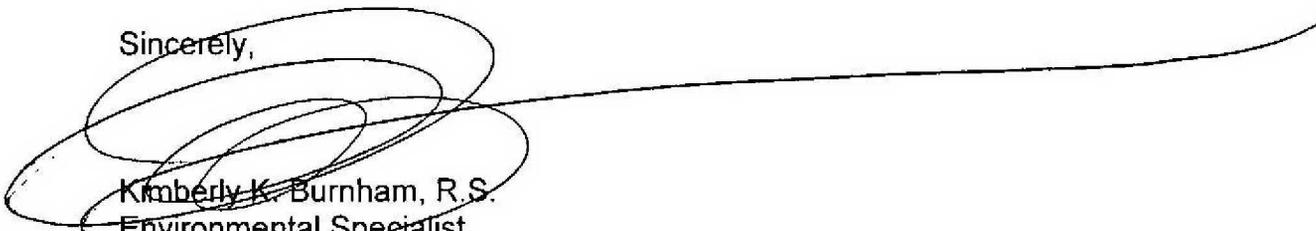
This correspondence addresses specific observations only for the areas of the Defiance County Landfill that were inspected. Nothing present in, nor absent from this correspondence is intended to mean that no other violations existed at the facility at the time of inspection.

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.

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Should you have any questions, please contact me at (419) 373-3049.

Sincerely,



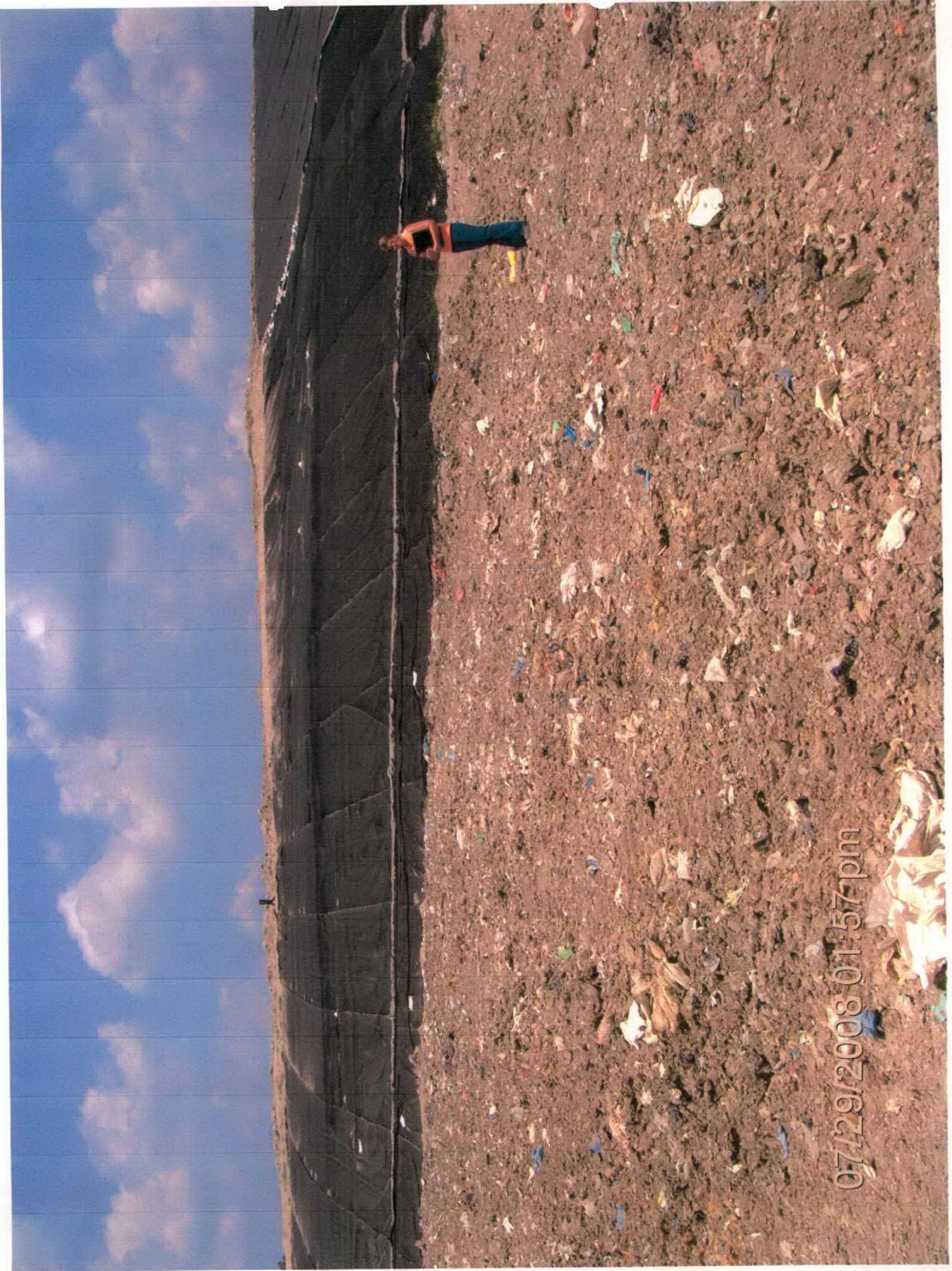
Kimberly K. Burnham, R.S.
Environmental Specialist
Division of Solid and Infectious Waste Management

/lb

pc: Mr. Tim Houck, Defiance County Landfill w/enclosure
Kimberly Burnham, DSIWM, NWDO

~~File: Defiance County, Defiance County Landfill, Inspections, w/enclosure~~

ec: Abdul Smiley, DSIWM, NWDO
Mike Reiser, DSIWM, NWDO



07/29/2008 01:57pm