



State of Ohio Environmental Protection Agency

**Northwest District Office**

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

Re: Defiance County Landfill  
Inspection

February 13, 2008

Defiance County Commissioners  
500 Court Street  
Defiance, Ohio 43512

Dear Commissioners:

On January 25, 2008, I, representing the Ohio Environmental Protection Agency (Ohio EPA), 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. Ms. June Crosser represented the facility during the inspection.

This letter is intended to:

- Describe my observations of the facility,
- Notify the owner/operator of the violations of the rules identified,
- Detail the actions the owner/operator must take to correct the violations, and
- Discuss other recommendations and comments that Ohio EPA believes may help improve operations at the facility.

**Description of Ohio EPA's observations of the facility:**

The weather at the time of the inspection was cold and overcast with a light southwest wind.

A review of the daily log of operations forms was not completed during the inspection.

**Unit 2 - BAT/South Expansion Area**

All disposal activities were occurring in Phase 1 of Unit 2. The working face was located in the northern portion of the west side of the cell. No prohibited materials were noted. When I left the facility at approximately 6 pm, the working face had not been covered as required by OAC Rule 3745-27-19(F), which specifies that daily cover is to be applied to all exposed solid waste by the end of the working day. No attempt to place soil or approved alternate daily cover over the day's waste was observed. In addition, no soil piles were staged in Phase 1 for use as daily cover.

Waste had been tracked by the dozer out from the working face onto the road/turnaround area in the center of Phase 1 as the dozer pushed loads into the working face. This tracked waste was not scraped into the day's working face or covered with daily cover.

Blown litter was observed in litter fences along the south and east sides of Phase 1. Very little litter was noted in other areas of the facility. No litter pickers were on duty at the time of the inspection. Portable wind screens were located west of the working face, just outside the western limits of waste of Phase 1. The fencing/screens on the portable wind screens were missing or damaged such that they were not usable. Ms. Crosser stated that the wind screens would be repaired as soon as possible.

The select waste layer in Phase 1, required by OAC Rule 3745-27-19(D), has been completed. Ensure that the documentation of select waste placement activities has been placed in the facility's operating record as required by paragraph (D)(2) of that rule.

Intermediate cover had been placed over the select waste. The intermediate cover on the south and west sides of the cell appeared adequate. Significant flagging of waste was observed in the intermediate cover on the north and west portions of the cell. Ms. Crosser stated that additional soils would be applied to these areas as soon as possible.

#### Unit 1 - Old/North Area of the Landfill

Minor erosion was observed in several areas of Unit 1. Ms. Crosser stated that the facility has been repairing erosion as weather and soil conditions permit. Fresh soil that had been used to repair two erosion areas was observed on the west/Canal Road slope of the landfill.

Some flagging waste was observed in the intermediate cover on the western portion of the south slope of Unit 1. An area was noted where an excavator had been used to repair the cover. Ms. Crosser stated that the remainder of the area would be back-bladed and soil added as needed the week of January 28<sup>th</sup>, if weather and soil conditions permit.

An area of exposed solid waste was observed in Phase 4. The area was located on a southwest-facing interior slope in the eastern portion of the top of the hill. It appeared as though daily cover had been applied to the waste in the past, but the daily cover had eroded to the point where waste was clearly visible over the vast majority of the surface and the soil cover was no longer adequate for daily cover. In addition, as it had been more than 30 days since waste disposal operations were located in this area, intermediate cover should have been applied as required by OAC Rule 3745-27-19(G).

Ms. Crosser instructed the landfill foreman to place soil cover in this area on Saturday, January 26<sup>th</sup>.

**Notification of violations of Ohio laws and rules:**

Two violations were identified during the inspection.

1. The owner/operator is in violation of OAC Rule 3745-27-19(F), which states in pertinent part:  
*Daily cover shall be applied to all exposed solid waste by the end of the working day . . .*  
for failing to cover the working face by the end of the working day on the day of the inspection.
  
2. The owner/operator is in violation of OAC Rule 3745-27-19(G)(1), 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. . . .*  
for failing to apply intermediate cover to the area in Unit 1 Phase 4 described in detail above.

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

- Ensure that each day's working face is covered by the end of each working day.
- Ensure that intermediate cover is applied to any area where waste will not be placed for 30 or more days.
- Provide training or additional instruction to landfill employees that are responsible for daily and intermediate cover application regarding the daily and intermediate cover requirements.
- 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. There are steps that the owner/operator can take that will make application of daily cover easier, such as:
  - o Reducing the size of the working face a couple of hours before closing time. Although the working face observed during the inspection was not so large that it would be in violation of OAC Rule 3745-27-19(E)(7)(c), it was a relatively large area for the equipment operators to cover at the end of the day. Many facilities find it useful to begin daily cover application in mid-afternoon, or after residential packer truck traffic has tapered off for the day. This enables covering at the end of the work day to take less time since the majority of the work has been accomplished while the facility was open for waste acceptance.

- Obtaining soil during the work day and staging it in close proximity to the working face so that soil does not have to be hauled at the end of the work day for cover.
- Obtaining approval for and using an alternate daily cover (ADC). Many facilities use tarps, spray-on covers, foundry sand, or other non-soil materials for cover. These materials allow the facility to cover their waste as required while conserving air space and, in many cases, reducing the amount of time required for covering. Although the facility has approval to use a tarp ADC, the tarp was not accessible on the day of the inspection as it was frozen to the ground at the top of Unit 1 Phase 4.
- Reducing the area requiring cover by scraping waste tracked by the dozer back into the day's working face rather than allowing it to remain where tracked.

The first two suggestions were discussed with Mr. Tim Houck during a January 28, 2008 telephone conversation regarding the inspection. Mr. Houck stated that he is aware of these practices and that they are standard operating procedures at the facility.

- B. Ensure that the facility's management of litter complies with OAC Rule 3745-27-19(E)(9), which states:

*The owner or operator shall employ all reasonable measures to collect, properly contain, and dispose of scattered litter, including the use of portable wind screens where necessary and frequent policing of the area.*

Ohio EPA's expectation is that, if there is anything more than the occasional piece of litter, one or more litter pickers will be on duty picking up litter. If there is a greater amount of litter, more pickers are necessary. The facility will need to ensure that frequent policing of littered areas occurs even on days when prisoner work crews are unavailable.

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This was discussed with Ms. Crosser during the inspection.

- C. Ensure that the daily inspections conducted at the facility comply with OAC Rule 3745-27-19(E)(11)(a), which states in pertinent part:

*The owner or operator shall inspect the sanitary landfill facility at least daily for ponding, erosion, and leachate outbreaks. Written results of the inspections, including a discussion of any corrective actions taken, the date, and weather conditions, shall be recorded on the daily log forms . . .*

The occurrence of erosion at a landfill is not a violation of Ohio EPA's rules. Failure to take measures to correct the conditions causing the erosion or failure to note the erosion in the daily logs is a violation. Ohio EPA does not expect the owner/operator to attempt to repair erosion on side slopes when soil conditions make the repair attempt unsafe for the equipment operator or when doing so is likely to cause damage to the slopes, such as in extremely muddy conditions or when the frost is coming out of the ground.

The expectation is, however, that discovery and eventual repair of such areas will be noted in the daily log.

This was also discussed with Ms. Crosser during the inspection.

- D. 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.*

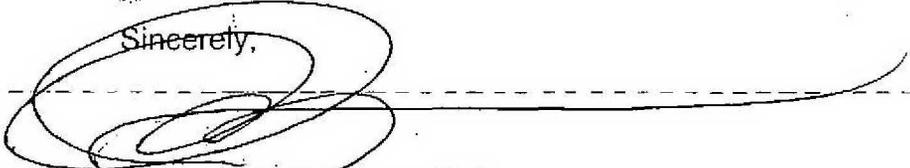
Since select waste placement has been completed in Unit 2 Phase 1, proper operation no longer necessitates filling in Phase 1 and waste placement activities should move back into Phase 4 of Unit 1.

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.

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

/csl

pc: Mr. Tim Houck, Defiance County Landfill  
Kimberly Burnham, DSIWM, NWDO  
{File: Defiance County, Defiance County Landfill, Inspections }

ec: Abdul Smiley, DSIWM, NWDO