



State of Ohio Environmental Protection Agency

Northwest District Office

347 North Dunbridge Rd.
Bowling Green, OH 43402-9398

TELE: (419) 352-8461 FAX: (419) 352-8468
www.epa.ohio.gov

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

Re: Failure to Respond to 9-14-09 &
10-14-09 NOV letters
EOLM Construction &
Demolition Debris Landfill
Allen County

February 18, 2010

CERTIFIED MAIL

Mr. Ben Hefner
EOLM
1500 Ft. Amanda Road
Lima, Ohio 45804

Dear Mr. Hefner:

As a result of significant compliance issues observed during two separate inspections, the Ohio Environmental Protection Agency (Ohio EPA) sent EOLM two Notice of Violation (NOV) letters, dated September 14 and October 14, 2009. These letters listed multiple violations and required that EOLM complete specific actions and submit responses to both Ohio EPA and the Allen County Health Department, in order to resolve the violations. To date, Ohio EPA has not received any response with regards to the September 14 and October 14, 2009 NOV letters. **Therefore, EOLM remains in violation of violations listed in the respective letters.**

Ohio EPA is aware that by letter, dated January 20, 2010, the Allen County Health Department requested the submittal of information from EOLM by April 1, 2010. The information requested by the health department can serve as a response to some of the violations listed in Ohio EPA's letters dated September 14 and October 14, 2009.

In addition to the above requested information EOLM must still submit the following in order to resolve the violations cited in the September 14 and October 14, 2009 letters:

- The owner/operator shall fully and adequately investigate why the leachate collection system is not functioning properly, this investigation shall include a physical or visual inspection of the entire leachate collection system piping network (camera, jet rod, etc.).

Once the cause of the significant accumulation of leachate is determined, the owner/operator shall demonstrate in writing to Ohio EPA and the Allen County Health Department, as to what the contributing factors were, and how this issue has been adequately corrected.

- The owner/operator shall respond in writing to Ohio EPA and the Allen County Health Department, indicating how current areas of erosion will be corrected, and how future areas of erosion will be corrected in a prompt manner.
- The owner/operator shall respond in writing to Ohio EPA and the Allen County Health Department, indicating how areas of future erosion will be prevented, as to insure minimal infiltration of water through the cover. As part of this response the owner/operator should consider the utilization of a more suitable cover material that will better withstand erosion and scouring on the steep slopes, or adjust the grade of the slopes and drainage to be more accommodating for the foundry ash cover.
- The owner/operator shall respond in writing to Ohio EPA and the Allen County Health Department, indicating how operations will be adjusted to ensure that monthly cover is applied.
- The owner/operator must submit in writing to Ohio EPA and Allen County Health Department, a statement indicating how Facility operations will be altered to ensure that all solid waste is removed through the pre-acceptance screening process, prior to disposal. The owner/operator shall also include a statement under Tab 10 in the pre-acceptance screening program section, reflecting the inability to accept packaging material, with the exception of that which is incidental to the load, as specified in OAC 3745-400-11(F)(2)(a). Additionally, the owner/operator shall remove and properly dispose of all visible solid waste throughout all active areas of the Facility.
- The owner/operator shall respond in writing to Ohio EPA and the Allen County Health Department, as to how surface water will be managed in the area to the west of Cell 3 in order to prevent surface water from flowing into the active licensed disposal area.

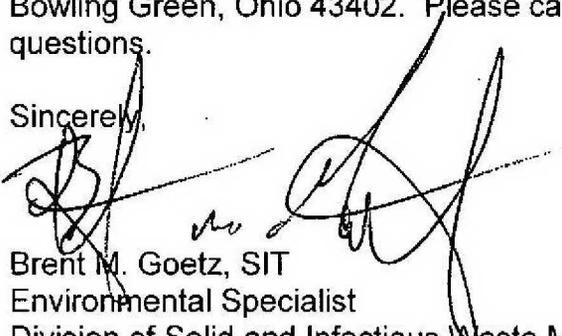
The owner/operator of EOLM shall submit a copy of all information submitted as a response to the Allen County Health Department's January 20, 2010 letter and response to all of the above listed requests to the Allen County Health Department and Ohio EPA by no later than April 1, 2010. Failure to respond to this request may result in increased enforcement action.

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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 EOLM C&DD Landfill from their obligations to comply with other applicable state and federal laws and regulations.

All written correspondence should be sent to my attention at 347 N. Dunbridge Road, Bowling Green, Ohio 43402. Please call me at 419-373-4114 if you have any questions.

Sincerely,



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

/llr

pc: Bill Kelly, Allen County Health Department
DSIWM-NWDO File: Allen County, CDD >
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ec: Mike Reiser, DSIWM-NWDO

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Sent to
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PS Form 3800, August 2006 See Reverse for Instructions