



State of Ohio Environmental Protection Agency

Northwest District Office

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

November 13, 2009

Mr. Chris Valerian
Live Earth
Sunny Farms Landfill, LLC
12500 West County Road 18
Fostoria, Ohio 44830

Re: Sunny Farms Landfill, Seneca County
Phase 4A Waste Elevations

Dear Mr. Valerian:

On September 30, 2009, Ohio EPA conducted an inspection to determine the height of existing waste along the tie-in edge between Phases 4A and 6B where it had been exposed for construction of Phase 6B at the Sunny Farms Landfill. Ed Brdicka from Sunny Farms Landfill, LLC. was present for part of the inspection and Brent Duganiero was present for the surveying portion of the inspection.

Based on results from the inspection, the 2008 Annual Report map, and the November 3, 2009, email, Sunny Farms Landfill, LLC. has filled higher than the permitted grades for Phase 4A along the western limit that abuts Phase 6B. Therefore, Sunny Farms LLC, is in **violation** of Ohio Administrative Code (OAC) Rule 3745-27-19(B)(2), which states in 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..." since the facility exceeded the interim slope grades for Phase 4A as depicted on plan sheet 6F of the approved plan set.

Resolution to this violation will occur when Phase 6B is certified and waste placement starts in Phase 6B.

Please describe how the facility will ensure that this situation will not occur in the future.

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

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

If you have any questions regarding this letter, please contact me at (419) 373-3061.

Sincerely yours,



Andrew E. Drumm
Division of Solid and Infectious Waste Management

//lr

pc: Ed Brdicka, Sunny Farms Landfill
Jim Mohrman, Seneca County Health Department
DSIWM-NWDO:File:Seneca,Sunny Farms,Engineering ;

ec: Sue Hardy, Ohio EPA, DSIWM, NWDO
Andy Drumm, Ohio EPA, DSIWM, NWDO
Habib Kaake, Ohio EPA, DSIWM, NWDO
Ed Merriman, Ohio EPA, DSIWM, NWDO