



**Environmental
Protection Agency**

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

January 11, 2011

**RE: GALLIA COUNTY
FAC – KYGER CREEK PLANT LANDFILL
COMP**

Mr. Gabriel Coriell
Environmental Specialist II
Ohio Valley Electric Corporation
Post Office Box 468
Piketon, Ohio 45661

Subject: Area 1 Phase 1, Failure to Reconstruct Structural Fill after Failed Tests

Dear Mr. Coriell:

On December 17, 2010, you submitted the certification report prepared by Professional Services Industries, Inc. (PSI). This document included "failed tests" on the structural fill and did not document that all seams in the flexible membrane liner were non-destructively tested. At this time, our review of the construction certification for Kyger Creek Plant Landfill Area 1 Phase 1 concludes that a violation of Ohio Administrative Code (OAC) rule 3745-30 had occurred.

Please find the specific violation listed below:

1. OAC rule 37545-30-14(B)(2) states in part, "The owner or operator shall conduct all construction and operation at a residual solid waste landfill facility in strict compliance with the applicable authorizing document(s)."
 - a. The authorizing document requires that the structural fill "minimum soil moisture content shall be within -4% to +4% of the optimum moisture content." Soil tests, 247, and 497 were constructed at a moisture content more than $\pm 4.5\%$ (i.e. a moisture content that could not be rounded to $\pm 4\%$) of the optimum moisture content and your quality assurance contractor PSI failed to have the areas represented by these tests reconstructed.

Because your quality assurance contractor PSI failed to have the areas reconstructed at a moisture content more than $\pm 4\%$ of the optimum moisture content Kyger Creek Plant Landfill is in violation of OAC rule 3745-30-14(B)(2) for failing to conduct all construction at a residual solid waste landfill facility in strict compliance with the applicable authorizing document(s)."

Procedures to follow upon notification by Ohio EPA:

Section 3.1.1 "Structural Fill Material Qualification and Placement" of the certification report states in part that the structural fill that was placed at a moisture more than $\pm 4\%$ of optimum moisture were very infrequent and are distributed throughout the fill area and these outliers

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should not negatively affect the stability of the facility. This section of the certification is being considered a request to temporarily alter the requirement in the authorizing document. OAC rule 3745-30-14(C)(2)(b)(ii) requires that alterations included in the certification report be at least equivalent to the requirement in the applicable authorizing document(s). Constructing at a moisture content outside the limits set in the permit no matter how infrequently cannot be considered equivalent. However, this request can be approved for this specific area and phase as an alteration separate from the certification report, since the moisture requirement is not in direct conflict with the requirements in OAC rule 3745-30-07 and that the stability of the fill does not appear to be compromised. The morning of January 10, 2011, an alteration request was submitted and approved for this change.

In the afternoon of January 10, 2011, Area 1 Phase 1 was certified. Once the license for the facility is issued by the Gallia County Health Department, it may begin operations.

If you have any questions, please contact me at (740) 380-5420.

Sincerely,



Brian H. Queen
Environmental Specialist II
Division of Solid and Infectious Waste Management

BHQ/jg

cc: Gallia County Health Department
cc: Pete Thomson, DSIWM-SEDO