



State of Ohio Environmental Protection Agency

**Southeast District Office**

2195 Front Street  
Logan, Ohio 43138

TELE: (740) 385-8501 FAX: (740) 385-6490  
www.epa.state.oh.us

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

May 6, 2009

**RE: JEFFERSON COUNTY  
FAC- STEUBENVILLE CITY LANDFILL**

The Honorable Domenick Mucci  
Mayor, City of Steubenville  
302 Market Street  
Steubenville, Ohio 43952

Dear Mayor Mucci:

On March 31, 2009, I conducted an inspection of the Steubenville City Landfill to determine compliance with closure requirements as stipulated in Ohio Administrative Code (OAC) Rule 3745-27-11. I was accompanied by Carla Gampolo of the Jefferson County Health Department during this inspection.

On September 5, 2006, an Agreed Order Judgment was filed in Jefferson County Common Pleas Court outlining requirements for closure of the Steubenville City Landfill. On December 13, 2006, Ohio EPA and the Ohio Attorney General's Office met with representatives of the City of Steubenville (City) to discuss a time frame for the City to accomplish proper closure of the Steubenville City Landfill.

During my March 31 inspection, I observed that the previously capped area has been mowed to control woody vegetation. However, it was apparent that the City has not properly closed and certified closure of the Steubenville City Landfill in accordance with the 1994 OAC Rules. Leachate discharging from the facility, settling, erosion, exposed wastes, and woody vegetation on the soil cover were observed. Closure of the City's landfill in accordance with OAC 3745-27-11(N) should commence immediately.

During my March 31 inspection, I observed the following violations:

Violations of Ohio Administrative Code (OAC) 3745-27-11 and OAC 3745-27-19 have occurred. Pursuant to OAC 3745-27-11(G)(4), effective June 1, 1994, units which have ceased acceptance of solid waste prior to April 1, 1990, are subject to paragraphs (M) & (N) of OAC 3745-27-11.

Specifically, OAC 3745-27-11 paragraph (N) requires any owner, operator, permittee, or licensee of a sanitary landfill who, if by June 1, 1994, has not completed closure pursuant to paragraph (M)(3), to comply with paragraphs (F), (G), (H), (I) and (J) of this rule, 3745-27-10 and 3745-27-16.

Specific violations of OAC 3745-27-11 are as follows:

1. **OAC 3745-27-11(F)** - The operator has failed to commence closure activities not later than seven days after ceasing to receive solid waste.

A final cap system has not been constructed in accordance with the specifications found in paragraphs (G) & (H) of this rule.

2. **OAC 3745-27-11(G)(4)** - The owner has failed to construct a final cap system in accordance with the above cited rule consisting of a recompacted soil barrier layer, a drainage layer, a frost protection layer, and a vegetative layer.
3. **3745-27-11 (H)(1)** - The operator has failed to continue to comply with rule 3745-27-19 of the OAC until the closure certification is submitted and the post-closure period begins.

Specific violations of OAC 3745-27-19 are as follows:

- a. **OAC RULE 3745-27-19(G)(2)** - All solid waste must be covered with a minimum of 12 inches of a well compacted loam, silt loam, clay loam, silty clay loam, or silty clay or some combination thereof as an intermediate cover until a final cap is applied. The installation of a final cap that meets the requirements of paragraph (N) would satisfy the requirements of this rule.
- b. **OAC 3745-27-19(J)(4)** - Ponding of water was observed at several locations over the entire surface of the landfill.

All land surfaces should be filled and graded to divert surface water away from the waste placement areas and to prevent ponding of water over waste.

As mentioned previously, a final cap system meeting the requirements of paragraph (N) would correct this problem.

- c. **OAC 3745-27-19(J)(1)** - All surface water should be diverted away from the cover material to prevent infiltration.  
  
Construct drainage structures to facilitate drainage of surface water away from the waste placement area.
- d. **OAC 3745-27-19(K)(1)**- The owner or operator must repair all leachate outbreaks.
- e. **OAC 3745-27-19(K)(1)(a) and (b)**- The owner or operator must contain and manage the leachate at the facility. In addition, all leachate must be collected and properly disposed per OAC 3745-27-19(K)(5) and (K)(6).
4. **OAC 3745-27-11(I)** - Final closure activities have not been completed no later than one hundred and eighty days (180) after ceasing to accept solid waste. All closure activities shall be completed.
5. **OAC 3745-27-13**- The owner or operator conducted grading and/or excavating where a solid waste facility was operated without approval of the Director of Ohio EPA.

Surface grading in violation of OAC 3745-27-13 was noted in correspondence from Ohio EPA dated September 3, 1997. This surface grading resulted in the exposure of a significant amount of solid waste. Additional surface grading in the northeast portion of the facility was noted in my December 28, 1999, inspection letter to you. These activities are a violation of OAC Rules 3745-27-13. Specifically:

OAC Rule 3745-27-13(A) which states that no person shall, without prior authorization from the Director, engage in filling, grading, excavating, building, drilling, or mining on land where a hazardous waste facility or a solid waste facility was operated, and

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OAC Rule 3745-27-13(C) which states in part that any person wishing to obtain authorization under this rule shall provide such information to the Director as necessary for him to make a determination that such activity will not create a nuisance and is unlikely to adversely affect public health and safety or the environment.

OAC Rule 3745-27-13(C)(11) states in part that a detailed description of the procedures to be followed in reestablishing or instituting a formal closure of the facility upon completion of the proposed filling, grading, excavating, building, drilling or mining.

Ohio EPA requested a response from the City of Steubenville outlining the City's plans to address this violation of OAC 3745-27-13 in 1997. Ohio EPA has not received any response to this request to date. Please submit to the Ohio EPA Southeast District Office information detailing the City's actions to adequately cover the exposed solid wastes in both areas, including a schedule for accomplishing the work.

**OAC 3745-27-16** - A financial assurance instrument has not been submitted for the closure of this facility. Please submit this documentation as required by this rule.

Please respond in writing within 14 days of receipt of this letter detailing your intentions to comply with these deficiencies and detail your efforts and actions taken to correct the cited violations. Please feel free to contact me at 740/380-5219 if you have any questions regarding this inspection.

Sincerely,



Peter C. Thompson  
Division of Solid and Infectious Waste Management

PCT/jg

cc: John Cayton, AGO  
Barry Chapman, DSIWM-CO  
Mike Robison, Bennett & Williams  
Jefferson County Health Department