OhioEPA
State of Ohio Environmental Protection Agency

Southeast District Office

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

December 23, 2008

RE: MUSKINGUM COUNTY
FAC - BLUE ROCK CLOSED LANDFILL

Mr. James D. Burke
13502 Gibson Road
Ashville, Ohio 43103

Dear Mr. Burke:

Please be advised that I conducted an inspection of the Blue Rock Landfill on December 16, 2008. The purpose of my inspections was to determine your compliance with the compliance schedule outlined in Section V, of the Consent Order, effective March 19, 1999. The following is a summary of my observations:

1. Section V, paragraph Order Number 7(B) states in part that you are to continue the operation and maintenance of the surface water management system under paragraph (6)(B), which includes rock lined, out slope channels.

   Based on my December 16, 2008, inspection of both the southeast and northwest out slope channels, it appears that work to correct erosion damage in both out slope channels has been completed and both out slope channels are in good repair. Therefore, you appear to be in compliance with Section V, paragraph Order Number 7(B) of the Consent Order.

2. Section V, paragraph 7(C) states that Defendants are ordered and enjoined to maintain the effectiveness of the final cover including making repairs to the final cover and out slopes as necessary to correct the effects of settling, dead vegetation, subsidence, erosion, leachate outbreaks, or other events, and preventing run-on and runoff from eroding or otherwise damaging the final cover in accordance with OAC Rule 3745-27-14(A)(2).

   During my December 16, 2008, inspection, it appeared that a dense stand of vegetation has been established over the cap system and no significant amount of erosion on the cap system was observed. Therefore, you appear to be in compliance with Section V, paragraph 7(C) of the Consent Order.

   Attachment C, Section D, paragraph 1 of Consent Order states that by November 15, 1999, and every six (6) months thereafter, the monitoring wells at Blue Rock Landfill shall be sampled for the parameters listed in Exhibit 1. In addition, Attachment C, Section E, paragraph 1 states that within seventy-five (75) days of any ground water sampling event, all ground water elevation data, analytical results and statistical analysis results shall be submitted to Ohio EPA.

On January 31, 2007, Ohio EPA received the Ground Water Sampling Results of the December 12, 2006, sampling event at Blue Rock Landfill. Since the December 12, 2006, sampling event at Blue Rock Landfill, two (2) additional sampling events were required, April 2007 and November 2007, in accordance with Attachment C, Section D, paragraph 1 of the Consent Order. Ohio EPA has not received any ground water data documenting that these required ground water sampling events have occurred. Therefore, you are in violation of Attachment C, Section D, paragraph 1 of Consent Order.

3. Section V, paragraph 7(D) states that Defendants are ordered and enjoined to conduct quarterly inspections and submit written summaries to Ohio EPA within fifteen (15) days of the inspection, in accordance with OAC Rule 3745-27-14(A)(3).

   Ohio EPA has not received written quarterly inspection summaries, as required by Section V, paragraph 7(D), for the third and fourth quarters of 2007 and first, second and third quarters of 2008. Therefore, you are in violation of Attachment C, Section D, paragraph 1 of Consent Order.

4. Section V, paragraph 8(A) requires that the Defendants submit the following to Ohio EPA, within sixty days of the issuance of the Consent Order:

   i. a review and, as warranted, adjustment of the estimated cost of post closure care activities under paragraph 7 of the Consent Order in accordance with OAC Rule 3745-27-16(D); and

   ii. proof of financial assurance for the post-closure care in accordance with OAC Rules 3745-27-16 and 3745-27-17 or other mechanism approved in writing by Ohio EPA.

   Section V, paragraph 8(B) requires that, by June 1, 2000, the information outlined in paragraph 8(A) be submitted to Ohio EPA, and by June 1 of each year thereafter, review and adjust the cost estimate for post-closure care and financial assurance and submit proof of financial assurance. To date, you have failed to comply with the financial assurance requirements, as contained in paragraph 8 of the Consent Order, or in the alternative, submit adequate documentation of an inability to secure a financial assurance mechanism. Therefore, you are in violation of paragraph 8 of the Order.

5. The Ground Water Sampling Report for assessment activities at the Blue Rock Landfill that took place in May 2004 was received by the Ohio EPA on June 23, 2006. As stated in my September 13, 2006, March 22, 2007, and September 25, 2007, letters to you, the Ground Water Quality Assessment Report needs to include a recommendation for additional wells. In addition to replacing monitoring well BW-5 at geoprobe point GP-13 at the soil/bedrock interface, an additional monitoring well should be installed into bedrock to characterize the vertical extent of the VOCs found in the southwest letdown structure.

My September 13, 2006, March 22, 2007 and September 25, 2007, letters to you also requested that you please provide a map, using shading, to demonstrate where the VOCs are occurring at the site (near the letdown structure and near BW-3) to help determine the rate and extent of VOCs, per the assessment requirement under Attachment C of the Consent Order.

My September 13, 2006, March 22, 2007 and September 25, 2007, letters to you also requested that you please provide an evaluation of whether the VOCs in ground water are leaving the landfill site near monitoring well BW-3 and at the southwest letdown structure, as required by Attachment C, section F of the Consent Order.

To date, Ohio EPA has no record of receiving the above requested information. Therefore, you continue to be in violation of the requirements contained in Attachment C of the Consent Order.

The contents of this letter do not relieve you from your obligation to comply with other applicable requirements outlined in ORC Chapter 3734 and the rules promulgated thereunder, or your obligation to comply with other applicable State and Federal laws and regulations.

Please respond to this letter, in writing, within 15 days and detail your intentions and the actions taken to correct the above referenced violations and bring the Blue Rock Landfill into substantial compliance with the Consent Order. Should you have any questions, please contact Dave Hunt or myself at this District Office.

Sincerely,

Robert Murphy, R.S.
Environmental Specialist II
Division of Solid and Infectious Waste Management
Ohio Environmental Protection Agency
Southeast District Office

RM/cb

cc: Dave Hunt, DDAGW/SEDO
Carl Mussenden, DSIWM/CO
Mark Mansfield, DSIWM/SEDO