



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

April 3, 2009

**RE: NOBLE COUNTY
FAC- NOBLE COUNTY LANDFILL**

Mr. Gordon Forster
P.O. Box 316
Pleasant City, Ohio 43779

Dear Mr. Forster:

On April 1, 2009, I conducted an inspection of the Noble County Landfill on State Route 146. The purpose of this inspection was to observe your facility's compliance with Ohio's solid waste laws and rules.

You have been notified in past correspondence from the Noble County Health Department and Ohio EPA that, because you did not fully comply with the requirements of the Ohio Administrative Code (OAC) Rules effective at the time the landfill ceased acceptance of waste in 1993, you would be subject to the closure requirements of OAC Rule 3745-27, which became effective in 1994. Since you did not close this landfill in accordance with the 1990 solid waste rules, you are now required to close your facility in accordance with OAC Rule 3745-27-11(N), as effective June 1, 1994.

In addition to the OAC requirements for you to properly close your landfill facility, a ruling in the Noble County Court of Common Pleas on February 21, 1995, required you to properly close this facility. Specifically, Condition #6 of the court order states that you shall complete closure of the facility "...to the satisfaction of the Ohio Environmental Protection Agency within the time period as reasonably prescribed by law."

During my this inspection, it was apparent that you have not properly closed and certified closure of the landfill in accordance with the 1994 OAC Rules. Significant leachate outbreaks, settling, erosion, exposed wastes, and woody vegetation on the soil were observed. Closure of this landfill in accordance with OAC 3745-27-11(N) should commence immediately.

In addition to your failure to comply with the 1995 Noble County Common Pleas Court Order, I observed the following violations of the OAC during this inspection:

Violations of 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).

NOBLE COUNTY
FAC- NOBLE COUNTY LANDFILL
APRIL 3, 2009
PAGE 3

4. OAC 3745-27-11(l) - 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 3745-27-12- Explosive Gas Monitoring- This OAC Rule requires you to develop and implement an approved explosive gas monitoring plan for this landfill facility.
6. OAC 3745-27-16 - Financial Assurance- A financial assurance instrument has not been submitted for the closure of this facility. Please submit this documentation as required by this rule.

Ohio EPA has received correspondence from you in the past indicating that you do not have the financial resources to properly close the landfill facility. Please be advised that this does not relieve you of your legal obligation to address the regulatory and environmental issues at this facility.

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 matter.

Sincerely,



Peter C. Thompson
Division of Solid & Infectious Waste Management

PCT/jg

cc: Noble County Health Department