



Environmental
Protection Agency

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

December 16, 2011

Glen McMillan
P.O. Box 762
Suite 200, Brookfield Place
181 Bay Street
Toronto, Canada
M5J2T3

**RE: Fraser Paper, Inc. Closed Residual Waste Landfill, Montgomery County
Notice of Violation**

Dear Mr. McMillan:

On November 15, 2011 Betty Arthungal and Joleen Cook of the Ohio Environmental Protection Agency (OEPA), Division of Materials and Waste Management (DMWM), conducted an inspection of the closed Fraser Papers, Inc. residual waste landfill located at 4590 Pinnacle Road in Moraine, Ohio. The purpose of the inspection was to determine compliance with Ohio's post closure care of residual waste landfill facilities regulations, Ohio Administrative Code (OAC) 3745-30-10. The following violations of OAC 3745-27-10 were observed:

- There were several areas of significant ponding water noted on the landfill during the inspection. Some of which have been a recurring problem over the past few years and documented in previous inspections by Paul Stuart of Public Health, Dayton & Montgomery County. Drainage and gravel fixes have not been effective to correct some of these areas. Settling in some areas has changed the topography which may make it difficult to drain these areas without mechanical means. The following areas have ponding issues, Cell 1, Cell 2, Cell 3A and 3B, Cell 4A and 4C, and Cell 5A. Some areas of ponding water are at least 1 ft. deep (see Attachment A). If left unaddressed, the additional weight of the water on the cap could accelerate settlement and eventually cause areas of waste displacement, which may necessitate re-grading of the whole cell. This office requests that a topographical survey be conducted, in order to evaluate the settlement (see Attachment B).
- Trees were noted growing in the rip-rap channels, and will need to be removed (see Attachment A).
- The following issues were identified by Greg Brown of the OEPA, Division of Drinking and Ground Water (DDAGW) during the November 14, 2011 Fraser LF groundwater monitoring well inspection. Well M-13SB needs a weep hole added.

Southwest District Office
401 East Fifth Street
Dayton, OH 45402-2911

937 | 285 6357
937 | 285 6249 (fax)
www.epa.ohio.gov

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The outer casing on M-8IA was broken and needs repair or replacement. (The casing damage to well M-8IA has been previously noted and documented in post-closure reports by AST during their quarterly inspection on May 24, 2011.) The outer casings on well M-5IA, M-7IA, and M-8D were very rusted and need to be painted and re-labeled. Fraser is requested to repair or replace the outer protective casing on well M-8IA as soon as possible and add a weep hole in the appropriate location at well M-13SB. Please use care not to damage the inner casing. And lastly, please paint and re-label the outer casing on wells M-5IAR, M-7IA, and M-8D. Attached are some photos that illustrate these concerns (See Attachment C).

The conditions described above must be addressed by Fraser Paper Inc., per the post closure requirements in OAC 3745-30-10 (C) which states in part that: "Post-closure care activities for all residual waste landfill facilities shall include, but are not limited to the following:

- (1) **Continuing operation and maintenance of the leachate management system, the surface water management system, any explosive gas extraction and/or control system, any explosive gas monitoring system, and the ground water monitoring system.**
- (2) **Maintaining the integrity and effectiveness of the cap system, including making repairs to the cap system as necessary to correct the effects of settling, dead vegetation, subsidence, ponding, erosion, or other events, And preventing run-on and runoff from eroding or otherwise damaging the cap system."**

Fraser Paper, Inc. needs to immediately take the necessary measures to return to compliance with Ohio's environmental laws. Within 30 days of receipt of this letter, Fraser Paper Inc. is requested to provide documentation to this office including the steps to be taken to abate the violations cited above. Please be advised that the violations cited will continue until the violations have been properly abated.

Nothing in this letter shall be construed to authorize any waiver from the requirements of any applicable state or federal laws or regulations. This letter shall not be interpreted to release the owner or operator, or others, from responsibility under Chapters 3704, 3714, 3734, or 6111 of the Ohio Revised Code or under the Federal Clean Water Act, Resource Conservation and Recovery Act, or Comprehensive Environmental Response, Compensation, and Liability Act for remedying conditions resulting from any release of contaminants to the environment.

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If you have any questions, please contact me by telephone at (937) 285-6357 or by e-mail at betty.arthungal@epa.ohio.gov.

Sincerely,

A handwritten signature in cursive script that reads "Betty Arthungal". The signature is written in black ink and is positioned above the typed name.

Betty Arthungal
Division of Materials & Waste Management

Attachments: Attachment A (Betty Arthungal, DMWM Photos)
Attachment B (Example Survey Drawing)
Attachment C (Greg Brown, DDAGW Photos)

cc: Robert Welsh, AST Environmental, Inc.
Fanny Haritos, DMWM, OEPA-CO
Greg Brown, DDAGW, OEPA-SWDO
Paul Stuart, Public Health Dayton and Montgomery County (PHDMC)

BA\bp

Fraser Paper Inc. Closed Residual Waste Landfill, Montgomery County

Attachment A



Pic 001.jpg

**Ponding Water on East Side
of Phase 1.**



Pic 007.jpg

**Ponding water at berm
between Phase 1 and 2.**

Fraser Paper Inc. Closed Residual Waste Landfill, Montgomery County

Attachment A



Pic 013.jpg

**Trees growing in rock
check point of southeast
corner of Phase 2**



Pic 017.jpg

Ponding water Phase 3B.

Fraser Paper Inc. Closed Residual Waste Landfill, Montgomery County

Attachment A



Pic 018.jpg

Close up of ponding water
Phase 3B.

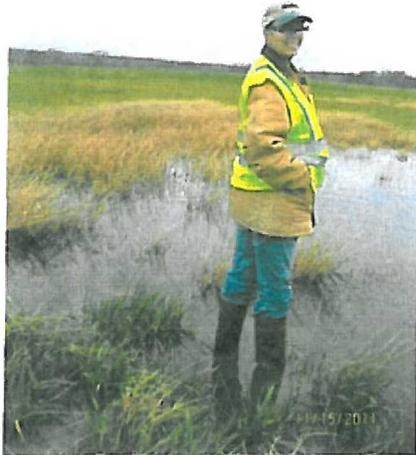


Pic 019.jpg

Depth of ponding water
Phase 3B.

Fraser Paper Inc. Closed Residual Waste Landfill, Montgomery County

Attachment A



Pic 020.jpg

Ponding water Phase 3B.



Pic 024.jpg

Ponding water southwest corner Phase 2.

Fraser Paper Inc. Closed Residual Waste Landfill, Montgomery County

Attachment A



Pic 025.jpg

Ponding water Phase 5A.



Pic 027.jpg

Ponding water Phase 3A.

Fraser Paper Inc. Closed Residual Waste Landfill, Montgomery County

Attachment A



Pic 029.jpg

**Depth of ponding water
Phase 3A.**



Pic 031.jpg

**Ponding water Phase 4C
north.**

Fraser Paper Inc. Closed Residual Waste Landfill, Montgomery County

Attachment A



Pic 032.jpg

Tree growing in rock check dam.



Pic 037.jpg

Ponding water corner of Phase 4C.

Fraser Paper Inc. Closed Residual Waste Landfill, Montgomery County

Attachment A



Pic 039.jpg

**Ponding water north
corner of Phase 4A.**

Attachment C

Greg Brown
DDAGW
November 14, 2011
Fraser LF groundwater
monitoring well inspection
M-51AR

Fraser Paper Inc.
Montgomery County
DMWM NOV letter
December 16, 2011
1 of 4 Photos



11/14/2011

Attachment C

Greg Brown
DDAGW
November 14, 2011
Fraser LF groundwater
monitoring well inspection
M-71A

Fraser Paper Inc.
Montgomery County
DMWM NOV letter
December 16, 2011
2 of 4 Photos

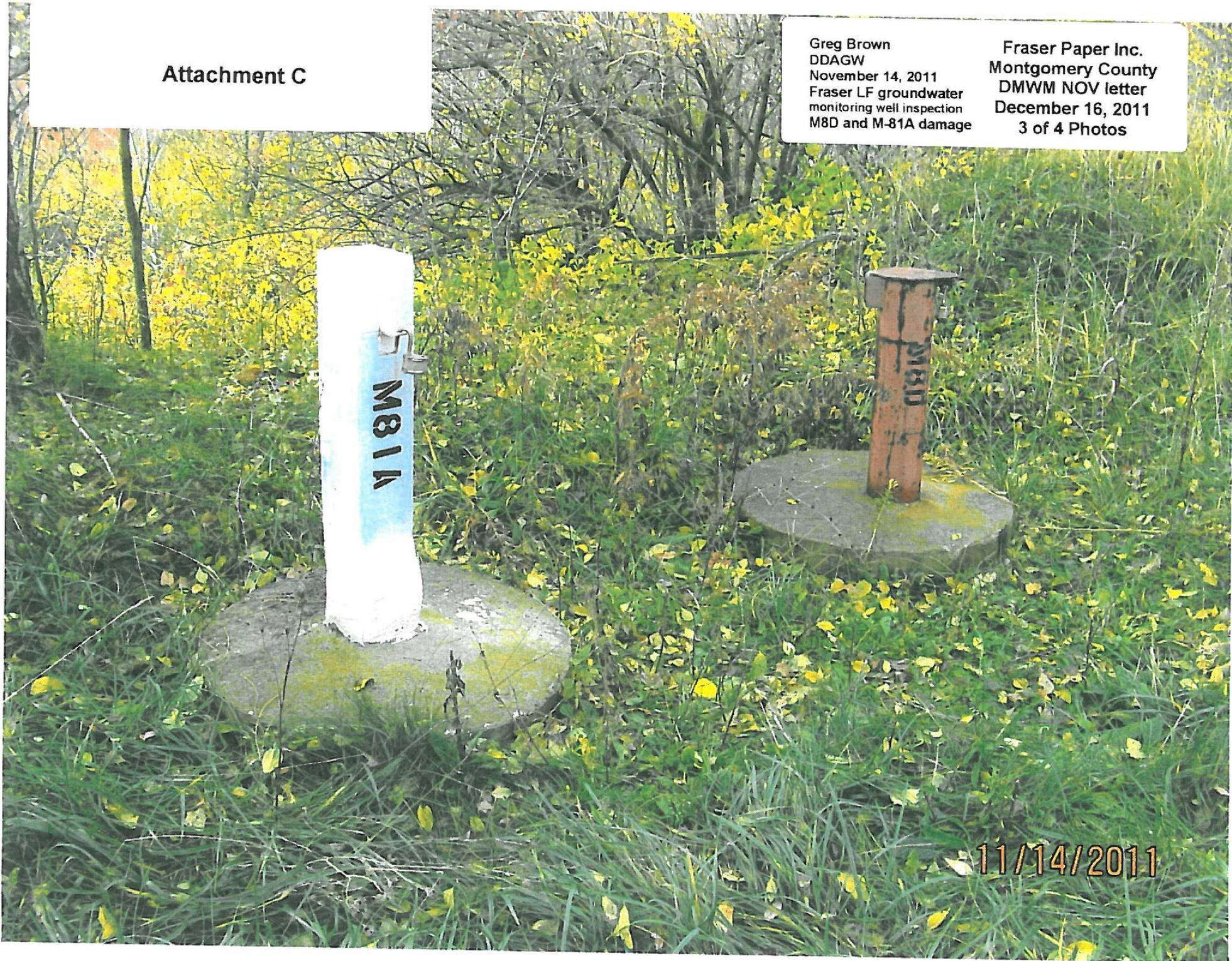


11/14/2011

Attachment C

Greg Brown
DDAGW
November 14, 2011
Fraser LF groundwater
monitoring well inspection
M8D and M-81A damage

Fraser Paper Inc.
Montgomery County
DMWM NOV letter
December 16, 2011
3 of 4 Photos



Attachment C

Greg Brown
DDAGW
November 14, 2011
Fraser LF groundwater
monitoring well inspection
M-81A damage

Fraser Paper Inc.
Montgomery County
DMWM NOV letter
December 16, 2011
4 of 4 Photos





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Name				Date	
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Service Performed				Call Type	
Call No.				Contact	
Equip. ID				Phone	
Dispatch Time				Assist Tech.	
Parts Used					
				Qty	Part Number/Description
Begin Odom.					
Arrival Time					
End Odom.					
Complete Time					
Problem Codes					
Repair Codes					
Black Meter					
Color Meter					
2-Color Meter					
				Subtotal	
		Qty	Parts on Order	Price/Each	Total
Scan Meter					
Call Status					
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<input type="checkbox"/> Incomplete					
<input type="checkbox"/> Needs Parts					
				Subtotal	
Contract Type		Labor Charge/Hour		Summary of Charges	
Charge				Total Labor	
Estimate				Parts/Supplies	
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Demo				Subtotal	
				Tax	
				Total	
Model		Serial No.		Technician's Signature	
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