

Environmental
Protection Agency

John R. Kasich, Governor

Mike DeWine, Lt. Governor

Robert M. Whitely, Director

January 27, 2012

RE: **WMI GENEVA LANDFILL
LANDFILL OPERATIONS
NOTICE OF VIOLATION**

CERTIFIED MAIL 7011 0470 0002 3496 0583

Mr. Evan Jahn
USA Waste Geneva Landfill, Inc.
4339 Tuttle Road
Geneva, Ohio 44041

Dear Mr. Jahn:

On January 25, 2012, the Ohio Environmental Protection Agency (Ohio EPA) conducted an inspection at the Geneva Landfill to determine compliance with Chapter 3734 of the Ohio Revised Code. The purpose of the inspection was to follow up on previous violations due to lack of daily cover. Lynn Sowers and I, representing the Division of Materials and Waste Management (DMWM), conducted a partial inspection limited to the application of daily and intermediate cover. I notified Jeremy Williams, in person, and you, via a phone conversation for the purpose of the inspection upon our arrival at the landfill. You granted us access and Mr. Williams accompanied Lynn Sowers and I to the active disposal area. USA Waste Geneva Landfill (USA Waste) is the owner of the Geneva Landfill.

Upon inspection, Ohio EPA identified a violation of the following:

1. **OAC Rule 3745-27-19(F)** states, in part, "*[d]aily cover shall be applied to all exposed solid waste by the end of the working day to control fire hazards, blowing litter, odors, insects, vectors, and rodents...*"

USA Waste is in violation of OAC Rule 3745-27-19(F) for failure to maintain daily cover. Ohio EPA noted that solid waste was protruding the daily soil cover. In some areas, there was no cover observed. As previously discussed, lack of daily cover can lead to blowing litter, is an attractant to birds and rodents, and can lead to nuisance odors. This is a source of complaints from the neighbors, it is a repeated violation, and USA Waste needs to apply soil cover, in accordance with rule and authorizing documents.

2. **OAC Rule 3745-27-19(G)** states, in part, "*[t]o minimize infiltration, the owner or operator shall apply intermediate cover to all filled areas of a sanitary landfill facility where additional waste is not to be deposited for at least thirty days. ...*"

Mr. Evan Jahn
USA Waste Geneva Landfill, Inc.
January 27, 2012
Page 2

Intermediate cover material shall be nonputrescible and have low permeability to water, good compactability, cohesiveness, and relatively uniform texture, and shall not contain large objects in such quantities as may interfere with its application and intended purpose. A soil layer, a minimum of twelve inches thick, consisting of well-compacted loam, silt loam, clay loam, silty clay loam, silty clay or some combination thereof, shall be used."

USA Waste is in violation of OAC Rule 3745-27-19(G) for failure to maintain intermediate cover. Ohio EPA noted solid waste protruding the intermediate soil cover in an area that

Ohio EPA was told hadn't been worked in two months. USA Waste must apply a minimum of twelve inches of relatively uniform texture, well-compacted loam, silt loam, clay loam, silty clay loam, silty clay or some combination thereof. Solid waste should not be visible in intermediate cover.

A post-inspection conference to discuss the violations occurred with Mr. Williams and you upon your arrival.

USA Waste needs to immediately take the necessary measures to return to compliance with Ohio's environmental laws. Within 14 days of receipt of this letter, USA Waste is requested to provide documentation to this office including the steps taken to abate the violations cited above. Documentation of steps taken to return to compliance includes written correspondence, updated policies, and photographs, as appropriate, and may be submitted via the postal service, or electronically to colum.mckenna@epa.ohio.gov.

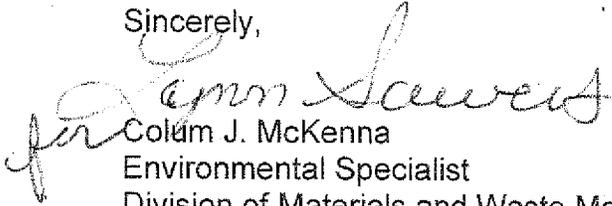
Please be advised that violations cited above will continue until the violations have been properly abated. Failure to comply with Chapter 3734. (or 3714 for C&DD) of the Ohio Revised Code and rules promulgated thereunder may result in a civil penalty of up to \$10,000 per day for each violation. It is imperative that you return to compliance. If circumstances delay the abatement of violations, USA Waste is requested to submit written correspondence of the steps that will be taken by date certain to attain compliance.

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.

Mr. Evan Jahn
USA Waste Geneva Landfill, Inc.
January 27, 2012
Page 3

If you have any questions, please contact me by telephone at (330) 963-1268, or by e-mail at colum.mckenna@epa.ohio.gov.

Sincerely,



Colum J. McKenna
Environmental Specialist
Division of Materials and Waste Management

CJM/cl

cc: John Hujar, DMWM-NEDO
Raymond Saporito, Ashtabula County Health Department
Jerry Ross, USA Waste, Scott Hermian, USA Waste
Janice Switzer, Ashtabula County SWMD
File: [Sowers/LAND/Geneva Landfill/COR/04]