Environmental
Protection Agency
John R. Kasich, **Governor**
Mary Taylor, **Lt. Governor**
Scott J. Nally, **Director**

February 8, 2012

**RE: SUMMIT C&D DISPOSAL
DECEMBER 2011 MONTHLY REPORT
NOTICE OF VIOLATION**

John R. Eslich
Summit C&D Disposal, Inc.
3525 Broadway Ave. NE
Louisville, Ohio 44641

CERTIFIED MAIL 7011 0470 0002 3496 0811

Patrick J. Loper II, P.E.
Bowser-Morner Associates, Inc.
4518 Taylorsville Road
P.O. Box 51
Dayton, Ohio 45401-0051

CERTIFIED MAIL 7011 0470 0002 3496 0804

Dear Mr. Eslich and Mr. Loper:

Ohio Environmental Protection Agency (Ohio EPA) reviewed a document regarding Summit C&D Disposal, Inc., from Bowser-Morner on behalf of Summit C&D Disposal, Inc. (Facility). The Facility is located at 1947 Wadsworth Road, Norton. This letter provides Ohio EPA's review results of the following monthly report:

- December 2011, dated January 5, 2012, received January 6, 2012

The document was prepared by Bowser-Morner, Inc. on behalf of Summit C&D Disposal, Inc. It contains the site observations, construction progress, and a detailed summary of the leachate management records for December 2011. The monthly reports are required by Order 11 in the Unilateral Director's Final Findings & Orders, and the Final Revised 2011 License Terms and Conditions.

Violations

1. The owner/operator is in violation of Ohio Administrative Code (OAC) Rule 3745-400-11(B)(1), which requires the owner/operator to conduct all operations at the facility in strict compliance with the license, any orders, and other authorizing documents issued in accordance with Chapter 3714 of the Revised Code. Specifically, for failing to operate the leachate management system on a consistent basis during working hours of the landfill, in accordance with Section 11(a) of the 2011 Final Revised License Application Approval Terms and Conditions, during December 2011.

   Ohio EPA's review of the subject document, in particular, the summary table that contains the breakdown of monthly leachate management records, revealed that the owner/operator failed to consistently operate the leachate management system wells LW-6, LW-7, LW-8, and LW-9 during the month of December 2011.

According to the table, the owner/operator did not operate the leachate management system wells LW-6/LW-9 for 12 out of 20 working/operating days in December, and LW-7/LW-8 for 10 out of 20 working/operating days in December. In essence, the owner/operator did not operate the leachate management system greater than or equal to 50% of the time during December. This is not consistent operation of the leachate management system. Section 11(a) of the 2011 Final Revised License Application Approval Terms and Conditions expressly requires the owner/operator to operate the leachate management system on a consistent basis during working hours of the landfill, to maintain leachate levels to as low a level as is practical within the well and sump systems, and to have designed the leachate pumps to activate whenever leachate levels exceed 1-2 feet.

At this time, it is unclear if the owner/operator has returned to compliance with this rule and with Section 11(a) of the 2011 Final Revised License Application Approval Terms and Conditions.

Statement

1. It is worth noting that the owner/operator has suspended all construction activities associated with the standard cap system pending review and approval of the Equilibrium Test Plan submitted to the Ohio EPA in March 2011. The area that will now remain uncapped includes the eastern access road and a small portion of the southeast corner of the active disposal area. This may create a conflict with license conditions.

If you have any technical questions regarding this review, please contact Mark Kroenke at (330) 963-1225. Please submit all correspondence to Dave Dysle, Ohio EPA, Division of Materials and Waste Management, Northeast District Office, 2110 East Aurora Road, Twinsburg, Ohio 44087.

Sincerely,

Dave Dysle

Dave Dysle
Environmental Specialist
Division of Materials and Waste Management

DD/cl

cc: Kelly Jeter, DMWM, CO
Mark Kroenke, DDAGW, NEDO
Robert Moorman, AGO
Julie Brown, Summit County Health Department
Michael Cyphert, Walter & Haverfield LLP
File: [Sowers/CONS/Summit C&D Disposal/COR/77]
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Allison Giancola, DMWM, NEDO
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