



**Environmental  
Protection Agency**

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

Re: Defiance County Landfill  
Notice of Violation  
Defiance County

March 2, 2012

Defiance County Commissioners  
500 Court Street  
Defiance, Ohio 4 3512

Dear Commissioners:

On February 16, 2012, I, representing the Ohio Environmental Protection Agency (Ohio EPA), Division of Materials and Waste Management (DMWM) conducted an inspection of the Defiance County Landfill (facility). I was accompanied by Jeremy Scoles, also with Ohio EPA DMWM. This inspection was conducted in accordance with Ohio Administrative Code (OAC) Rule 3745-37-08(C)(6). The purpose of the inspection was to verify compliance with OAC Chapter 3745-27 and the approved Permits to Install No. 03-8986 and 03-16690. June Crosser represented the facility during the inspection.

This letter is intended to:

- Describe my observations of the facility, and
- Notify the owner/operator of any violations of the rules identified.

**Description of Ohio EPA's observations of the facility:**

The required daily log of operation was reviewed. Daily logs required by OAC Rule 3745-27-19(E)(10) include the records of the weights of waste received (Form 2), the daily facility inspection checklist (Form 3), and the required weekly surface water structure inspection documentation (Form 4). Incoming waste logs were reviewed through February 15, 2012 and appeared properly completed. The daily inspection checklists were adequately completed and were available for inspections conducted through February 15, 2012. Documentation of weekly surface water inspections conducted through February 6, 2012, was also reviewed.

The PCB/hazardous waste prevention and detection program inspection logs for November 18, 2011, through February 6, 2012, were also reviewed.

A review of the daily inspection checklist indicated a significant amount of maintenance that had been completed over the previous two months, including the litter fences being sent for repair, the tarp spool being repaired, and several pieces of heavy equipment being replaced and/or maintained.

The weather at the time of the inspection was cool and overcast with a light southwest wind.

Unit 2 - BAT/South Expansion Area

Waste placement activities were taking place in the southwest corner of Unit 2/Phase 1A. Very little flagging waste was observed in both the intermediate and daily cover in Unit 2.

The roadways around Unit 2 appeared to be well maintained and provide adequate access to the working face.

Unit 1 - Old/North Area of the Landfill

Disposal operations in Phase 4 were completed on February 14, 2012. A tarp was being utilized as daily cover, to cover the February 14, 2012, working face. However, an area of waste approximately eight to ten feet wide was left exposed around the east and west edges of the tarp. Additionally, a significant amount of flagging of waste was observed throughout the entire Phase 4 area. The photos attached illustrate the observations made during the inspection. Ms. Crosser indicated that all areas with inadequate cover would be covered as soon as possible.

**Notification of violations of Ohio laws and rules:**

1. OAC Rule 3745-27-19(F) states, *"Daily 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. In no event shall solid waste be exposed for more than twenty-four hours after unloading. Daily cover material shall be nonputrescible, shall not contain large objects in such quantities as may interfere with its application and intended purpose, and shall not be solid waste, unless the owner or operator has received prior, written authorization in accordance with paragraph (F)(3)(a). The rule further specifies that daily cover shall be a minimum of six inches in thickness.*

**The owner/operator of the Defiance County Landfill is in violation of OAC Rule 3745-27-19(F) for not adequately covering the February 14, 2012 working face and for not adequately covering all other areas of Phase 4.**

The Defiance County Landfill needs to immediately take the necessary measures to return to compliance with Ohio's environmental laws. Within 14 days of receipt of this letter, Defiance County Landfill is requested to provide documentation to this office including the steps taken to abate the violation cited above.

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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 [Brent.Goetz@epa.ohio.gov](mailto:Brent.Goetz@epa.ohio.gov).

Should you have any questions, please contact me at (419) 373-4114.

Sincerely,



Brent M. Goetz, R.S.  
Environmental Specialist  
Division of Materials and Waste Management

/lir

pc: Mr. Tim Houck, Defiance County Landfill  
File: DMWM-SW Defiance County, Defiance County Landfill, Inspections

ec: Abdul Smiley, DMWM, NWDO  
Mike Reiser, DMWM, NWDO

Please be advised that the violation cited above will continue until the violation has been properly abated. Failure to comply with Chapter 3734 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, the owner/operator the Defiance County Landfill is requested to submit written correspondence of the steps that will be taken by date certain to attain compliance.

**Defiance County Landfill 2-16-12 Inspection**



**Photo 1- Area of inadequate daily cover and improper use of tarp, taken by Brent Goetz**



**Photo 2-Area of inadequate daily cover, taken by Brent Goetz**