



Environmental Protection Agency

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

Re: Seneca County
Sunny Farms Landfill
Notice of Violation

March 16, 2012

Mr. Chris Valerian
Sunny Farms Landfill, LLC
12500 County Road 18
Fostoria, Ohio 44830

**Subject: Notice of Violation,
Failure to Strictly Control Odors**

Dear Mr. Valerian:

In January and February 2012, the Ohio Environmental Protection Agency (Ohio EPA) and the Seneca County Health Department (Health Department) conducted odor surveillance along public roads surrounding the Sunny Farms Landfill. The odor monitoring was performed in response to complaints about odors originating from the landfill and as part of routine comprehensive inspections of the landfill.

Ohio Administrative Code (OAC) Rule 3745-27-19(B)(3) states "The owner or operator shall operate the facility in such a manner that noise, dust, and odors are strictly controlled so as not to cause a nuisance or a health hazard."

When evaluating offsite odors, Ohio EPA uses the odor intensity scale provided in the table below. Odors of an intensity 2 or above, which are caused by the landfill and are detected beyond the facility boundary, indicate that the operator is failing to strictly control odors.

| Level | Descriptor |
|-------|---|
| 0 | Odor Not Detectable |
| 1 | Odor present in the air, which activates the sense of smell and the characteristics may or may not be distinguishable and/or definite, but not objectionable in short durations. This is characterized by occasional "whiffs" of odor, but is not persistent. |
| 2 | Odor present in the air, which easily activates the sense of smell, is very distinct and clearly distinguishable, tends to be objectionable and/or irritating, and is persistent in the community. |
| 3 | Odor present in the air, which is objectionable and causes a person to attempt to avoid it completely. |
| 4 | Odor present in the air, which is so strong that it is overpowering and intolerable for any length of time. |

As summarized below, Ohio EPA and the Health Department assessed that distinct, definite and clearly detectable odors (odor intensity 2 or above) were found at the dates, times, and locations noted below.

| Date | Time | Location | Intensity | Wind Direction/Speed |
|---------|---------|---------------------------------------|-----------|----------------------|
| 2/20/12 | 7:00 am | US 224, 1 mile West of US 23 | 2 | East, 5-15 mph |
| 2/9/12 | 2:17 pm | 1504 South US 23 | 2 | WSW, 15+ mph |
| 2/9/12 | 2:32 pm | Radio Station By 1504 South US 23 | 2 | WSW, 15+ mph |
| 2/8/12 | 1:27 pm | South Side of Sunny Farms Landfill | 3 | WNW, 5-15 mph |
| 2/1/12 | 8:00 pm | 3284 South US 23 | 2 | West, 15+ mph |
| 1/26/12 | 5:30 pm | US 224, 3.5 miles West of County Line | 2 | ENE, 5-15 mph |
| 1/24/12 | 6:30 pm | 3284 South US 23 | 3 | WSW, 5-15 mph |

The distinct and definite offsite odors were characterized as landfill gas with a clearly detectable hydrogen sulfide odor.

Due to the presence of these offsite landfill odors, the owner/operator of the Sunny Farms Landfill has failed to strictly control odors and, therefore, is in violation of OAC Rule 3745-27-19(B)(3).

Ohio EPA expects the owner/operator to immediately take the necessary measures to return to compliance with Ohio's environmental laws. Within 14 days of receipt of this letter, the owner/operator is requested to provide documentation to this office including the steps taken to abate the violations cited above. Documentation of the 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 susan.hardy@epa.state.oh.us.

Ohio EPA recognizes the owner/operator submitted a permit alteration on January 19, 2012, to expand the active gas extraction system. On February 15, 2012, Ohio EPA requested additional information regarding the alteration. On March 9, 2012, the owner/operator submitted additional information regarding the alteration.

Please be advised that violations cited above will continue until the violations have 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 is requested to submit written correspondence of the steps that will be taken by date certain to attain compliance.

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If you have any questions regarding this notice, I may be contacted at by telephone at (419) 373-3043 or by email at the address noted above.

Sincerely,



Susan Hardy
Environmental Specialist II
Division of Materials and Waste Management

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pc: Jim Mohrman, Seneca County Health Department
Ed Brdicka, Sunny Farms Landfill, LLC
Aaron Shear, CO-DMWM
File: Seneca County, Sunny Farms Landfill, Inspections

ec: Mike Reiser, DMWM, NWDO
Andy Drumm, DMWM, NWDO
Mohammad Smidi, DAPC, NWDO