



State of Ohio Environmental Protection Agency

Northwest District Office

347 North Dunbridge Road
Bowling Green, OH 43402-9398

TELE: (419) 352-8461 FAX: (419) 352-8468
www.epa.state.oh.us

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

Re: Seneca County
Sunny Farms Landfill
12386 Township Road 108
Fostoria, OH 44830
Premise # 0374010199
High Priority Facility
Notice of Violation

March 19, 2009

CERTIFIED MAIL
7002 2410 0003 1155 9932

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

Dear Mr. Valerian:

This letter shall serve as notification of an ongoing violation of Ohio Administrative Code (OAC) rule 3745-15-07 by the company. Both the Division of Air Pollution Control (DAPC) and Division of Solid and Infectious Waste Management (DSIWM) staff of Ohio EPA have received and continue to receive numerous odor complaints from neighbors, as well as individuals passing by the area. In addition, the same is true for both the Seneca County Health Department and Seneca County Solid Waste Management District. All complainants indicate the source of the odors to be the above referenced facility. All involved believe the odors are increasing in concentration and duration.

Ohio EPA staff has also detected objectionable odors from the landfill on numerous occasions over the past year. DAPC further inspected the area on February 6th and 9th of this year. Based on these complaints, our investigations, monitoring of the area and the data records kept by citizens, we have determined that the company is in violation of OAC rule 3745-15-07(A). Specifically, the company is operating an air contaminant source in a manner that is adversely affecting the welfare of the public in a large area surrounding the landfill. This constitutes a public nuisance.

The company must take immediate steps to resolve this ongoing violation. As part of the compliance plan to resolve the violation, we request the company submit an odor abatement plan which indicates steps the facility will take to abate/control the odors. It should include a timeline for the implementation of the steps that will be taken and a final date when compliance will be achieved. This plan is requested by no later than April 20, 2009.

In a related matter, the company's permit application for the landfill does not indicate it to be a source of hydrogen sulfide (H₂S) emissions. Based on the complaints and our initial monitoring, we believe it is a source of H₂S emissions. Please submit detailed calculations on maximum H₂S emissions from the landfill and include the basis for these calculations along with the information requested above by the stated deadline.

Mr. Chris Valerian
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Please be advised that the submission of the requested information to respond to this letter does not constitute waiver of the Ohio EPA's authority to seek civil penalties pursuant to ORC section 3704.06. The Ohio EPA will make a decision on whether to pursue or decline to pursue such penalties regarding this matter at a later date.

If you have any questions about this letter, I can be reached at (419) 373-3118.

Sincerely,



Mohammad Smidi
Environmental Specialist
Division of Air Pollution Control

/csl

ec: James Mohrman
Mark Budge, DAPC/NWDO
Nicole Candelora-Norman
Shara Dine, Dine Comply, Inc.
Susan Hardy, DSIWM/NWDO
Tom Sattler, DAPC/NWDO
Tyler Madeker, DSIWM/NWDO

pc: Don Waltermeyer, DAPC/NWDO
John Walker, Sunny Farms Landfill, LLC
Lisa Holscher, U.S. EPA Region V
Tim Wasserman, Manager of Solid Waste District
Tom Kalman, DAPC/CO
DAPC/NWDO Facility File