



State of Ohio Environmental Protection Agency

**Northwest District Office**

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

October 8, 2008

Mr. Rick Kostelnick, Site Manager  
County Environmental of Wyandot  
11164 County Road 4  
Carey, Ohio 43316

Re: Notice of Resolution (NOR-HPF) for County Environmental of Wyandot Sanitary Landfill (0388000039) based on response to September 9, 2008, inspection letter dated September 15, 2008.

Dear Mr. Kostelnick:

On October 2, 2008, Ohio EPA received County Environmental of Wyandot Sanitary Landfill's (County Environmental) response to the Notice of Violation (NOV) that was sent as a result of my recent inspection of the facility. In the letter, you request that I rescind the NOV determination because no violation existed at the time of my inspection for emission unit P901. Based on the information provided during the inspection and in response to my letter, respectfully, I disagree that there was no violation at the facility.

During the inspection, Brian Riedmaier and I requested records to review in order to determine County Environmental's compliance with the monitoring and recordkeeping requirements in the facility's title V permit. Exclusively at issue is requirement III.16 in which the facility is to perform daily visible emissions inspections from the landfill fugitive dust operations/sources. During our records review, there were no records generated by the landfill that specifically outlined whether or not landfill fugitive dust operations/sources, landfill surface removal, soil loading and unloading, cover construction soil placement or surface wind erosion were inspected.

When we discussed this with you and Travis Bayes prior to our site tour, it was agreed that this wasn't specifically outlined in your current records but would be addressed immediately. After the site tour, I did state that I did not see any *other* problems at the facility, but I again went over the recordkeeping issue with you. You assured me that it would be addressed immediately and we departed.

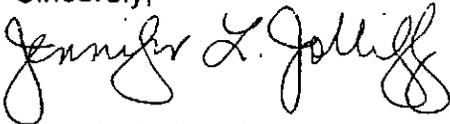
I understand and greatly appreciate that County Environmental takes compliance issues very seriously. While it is my personal belief that visible emissions inspections were most likely performed by various employees due to the nature of their job duties, the fact it still remains that records addressing these operations were not available for our review. Without them, the issue is purely administrative in nature and is not perceived as an emissions violation.

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Based on the revised recordkeeping format that County Environmental included in their NOV response to address daily visible emission checks from the landfill fugitive dust operations/sources, we have determined that the compliance plan is acceptable. The action taken by County Environmental has corrected the violation and this emission unit is now being operated in compliance with the permit requirements. Please note, however, that this does not preclude the Director from seeking civil penalties pursuant to ORC section 3704.06 for these violations. The decision on whether to pursue or decline to pursue such penalties regarding this matter is dependent on several factors, one of which is the company's future compliance with applicable Ohio EPA requirements.

I would like to thank you for taking this issue so seriously and correcting the matter in an expeditious fashion. Should you have any questions or comments concerning this letter, please feel free to contact me at (419) 373-4112 or electronically at [jennifer.jolliff@epa.state.oh.us](mailto:jennifer.jolliff@epa.state.oh.us).

Sincerely,



Jennifer L. Jolliff  
Division of Air Pollution Control

JLJ/lr

pc: ; Don Waltermeyer, DAPC-NWDO  
Tom Kalman, DAPC-CO  
John Paulian, DAPC-CO  
Lisa Holscher, US, EPA  
~~☐DAPC-NWDO-File☐~~