



State of Ohio Environmental Protection Agency

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September 7, 2010

Holmes County Commissioners  
2 Court Street, Suite 14  
Millersburg, OH 44654

91 7108 2133 3932 4445 4863

And

World Resource Land Management, Inc.  
1422 East Ave.  
Erie, Pennsylvania 16503

91 7108 2133 3932 4445 4870

**CERTIFIED MAIL**

**Director's Final Findings & Orders**

Dear Sir or Madam:

Transmitted herewith are Final Findings & Orders of the Director concerning the matter indicated.

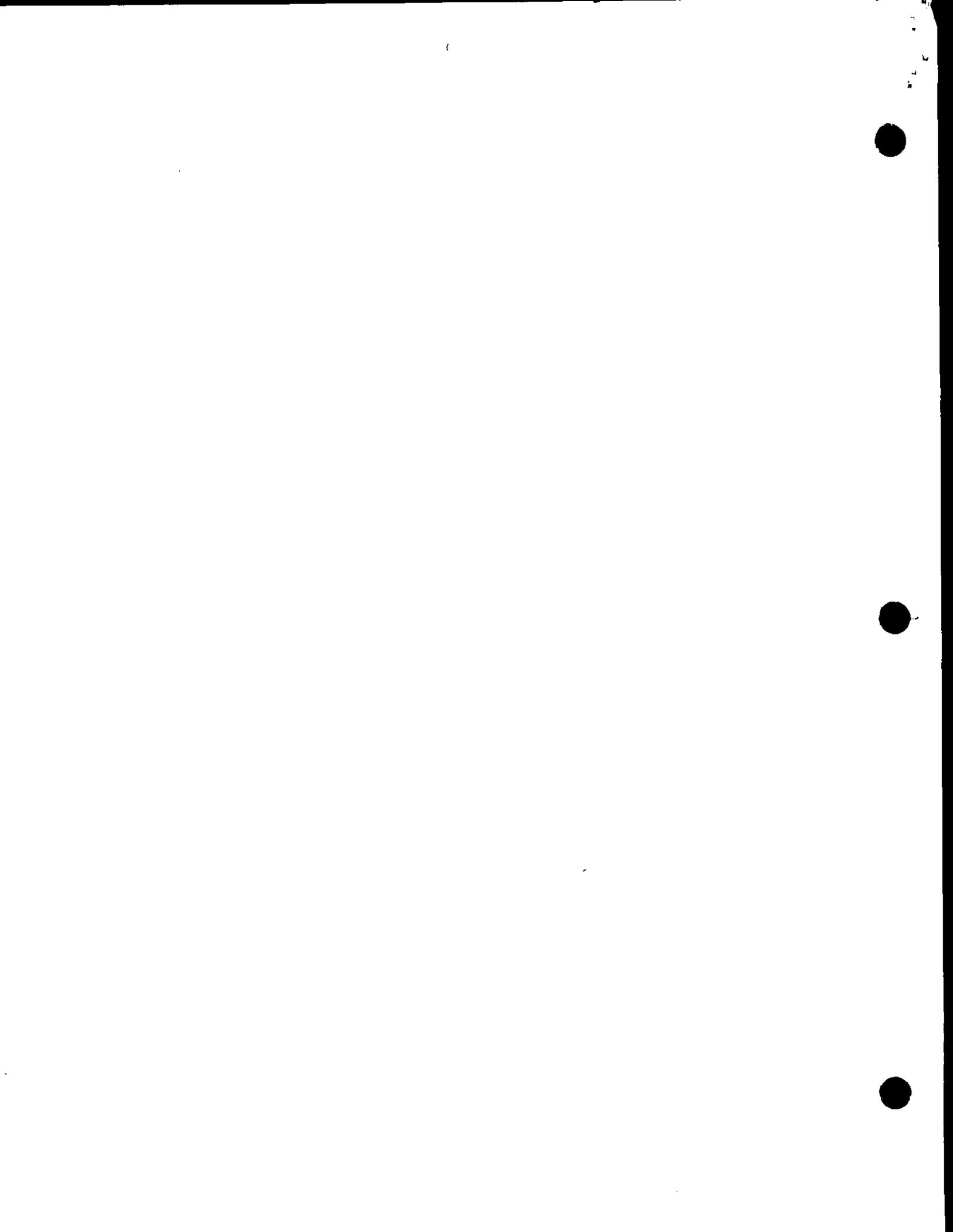
Sincerely,

Kimberly Reese  
Systems Management Unit  
Division of Solid & Infectious Waste Management

cc: Kelly Jeter, CO, DSIWM  
Jeff Hurdley, OEPA – Legal  
Lynn Sowers, NEDO, DSIWM

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

Ohio EPA is an Equal Opportunity Employer



BEFORE THE  
OHIO ENVIRONMENTAL PROTECTION AGENCY

OHIO E.P.A.  
SEP -7 2010

ENTERED DIRECTOR'S JOURNAL

In the Matter Of:

Holmes County Commissioners  
2 Court Street, Suite 14  
Millersburg, Ohio 44654

Director's Final Findings  
and Orders

And

World Resource Land Management, Inc.  
1422 East Ave.  
Erie, Pennsylvania 16503

I certify this to be a true and accurate copy of the  
official documents as filed in the records of the Ohio  
Environmental Protection Agency.

By: Dan Kessler Date: 9-7-10

Respondents

**PREAMBLE**

It is agreed by the parties hereto as follows:

**I. JURISDICTION**

These Director's Final Findings and Orders ("Orders") are issued to Holmes County Commissioners ("Holmes County") and World Resource Land Management, Inc. ("WRLM") (collectively "Respondents") pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("ORC") 3734.13 and 3745.01.

**II. PARTIES BOUND**

These Orders shall apply to and be binding upon Respondents and successors in interest liable under Ohio law. No change in ownership of the Respondent or the Facility (as hereinafter defined) shall in any way alter Respondents' obligations under these Orders.

**III. DEFINITIONS**

Unless otherwise stated, all terms used in these Orders shall have the same meaning as defined in ORC Chapter 3734 and the rules promulgated thereunder.



#### **IV. FINDINGS**

The Director of Ohio EPA has determined the following findings:

1. Holmes County Landfill ("Facility") is located at 6601 Township Road 326, Millersburg, Holmes County, Ohio.
2. Respondent Holmes County is the "owner" of the Facility and Respondent WRLM is the "operator" of the Facility as those terms are defined in Ohio Administrative Code ("OAC") Rules 3745-27-01(O)(7) and (O)(5), respectively, and Respondent WRLM is the license holder for the Facility.
3. The Facility is a "sanitary landfill facility" as that term is defined under OAC Rule 3745-27-01(S)(4) and is authorized to accept "solid waste" as that term is defined under ORC Section 3734.01(E) and OAC Rule 3745-27-01(S)(23).
4. Each Respondent is a person as that term is defined in ORC Section 3734.01(G) and in Ohio Administrative Code ("OAC") Rule 3745-27-01(P)(3).

#### ***Failure to comply with authorizing documents: overfill and filling out of phase***

5. On April 1, 2008, Ohio EPA received the 2007 annual operational report for the Facility. Ohio EPA reviewed this report and in correspondence dated July 25, 2008, notified Respondents of the following violations:
  - a. OAC Rule 3745-27-19(B)(2) for failure to comply with all applicable authorizing documents;
  - b. OAC Rule 3745-27-19(E)(7)(b) for filling in a new phase without completing the previous phase. Specifically it was noted that Respondents are currently operating in Phase II without having placed final cover on Phase I as required.
  - c. OAC Rule 3745-27-19(M)(1)(h) for failure to include the location of any on-site borrow areas and cover material stockpiles in the annual operational report;
  - d. OAC Rule 3745-27-19(M)(1)(i) for failure to include in the annual operational report a comparison of the actual vertical and horizontal limits of waste placement to the authorized limits of waste placement. Ohio EPA also noted that it appears that the current topography exceeds the limits of waste placement in the southeast corner of the landfill. (Emphasis added)
  - e. OAC Rule 3745-27-19(M)(6) for failure to include itemized cost estimates for closure and post-care of the Facility in the annual operational report.



6. On November 7, 2008, Ohio EPA received correspondence from Respondent Holmes County dated October 29, 2008, stating that Respondent Holmes County has reason to believe that the Facility has reached its maximum height on Phase II and that a survey of the Facility would be conducted.
7. On November 14, 2008, Holmes County General Health District ("HCHD") received a copy of a survey report that confirmed that the current elevations of solid waste placement in Phase II of the Facility exceed the vertical limits of solid waste placement depicted in the July 16, 1998, Permit to Install No. 02-98-18 ("PTI"). Subsequently, in correspondence dated November 20, 2008, HCHD notified Respondents they were in violation of OAC Rule 3745-27-19(B)(2) for failure to construct the Facility in accordance with all applicable authorizing documents.
8. On November 21, 2008, the Holmes County Board of Health ("Board of Health") issued Findings and Orders ("Board Orders") to Respondent WRLM stating, in part, the following:
  - a. A recent survey report demonstrates that the site is filled beyond the height limitations established by the authorizing document in violation of OAC Rule 3745-27-19(B)(2);
  - b. Daily cover is not applied by the end of each working day in violation of OAC Rule 3745-27-19(F);
  - c. Respondent WRLM is ordered to correct the violations noted above through the following actions:
    - i. Cease acceptance of waste at the Facility for thirty days and until the following actions have taken place:
      1. All exposed waste is covered in a manner consistent with OAC Rule 3745-27-19;
      2. The over height violation is corrected by either removing the waste to another facility, or identifying locations in Phase II that are under height, and moving the offending waste to that location.
    - ii. Provide documentation verifying that all elevations of the landfill are consistent with the authorizing document.

HCHD copied Respondent Holmes County Commissioners on the November 21, 2008 Board Orders.



9. On December 23, 2008 HCHD conducted an inspection of the Facility. In correspondence dated December 30, 2008, HCHD notified Respondent WRLM it was in violation of the November 21, 2008, Board Orders for failure to provide cover at the Facility in a manner consistent with OAC 3745-27-19 and failure to correct the over height violation. HCHD copied Respondent Holmes County Commissioners on the December 23, 2008, correspondence.
10. In correspondence dated January 5, 2009, the Holmes County Health Commissioner notified Respondent WRLM that the Holmes County Board of Health has proposed denial of the Facility's 2009 operating license due to non-compliance with the November 21, 2008, Board Orders and the Ohio Revised Code as it pertains to the maintenance and operation of the Facility. HCHD copied Respondent Holmes County Commissioners on the January 5, 2009 correspondence.

***Construction of Phase III Perimeter Berm***

11. By correspondence dated May 16, 2008, Respondents submitted a report titled "*Construction Certification Report, Phase 3 Landfill Perimeter Berm.*" This report was intended to document the construction of the Phase III Landfill Perimeter Berm along with Access Roadway C and Perimeter Drainage Channel 4 for the Facility. Ohio EPA reviewed the report and in correspondence dated December 3, 2008, notified Respondents that Ohio EPA could not concur with the report because of the following deficiencies:
  - a. The quality control assurance ("QCA") consultant for the Facility did not observe the construction of the perimeter berm and therefore did not fulfill the obligations outlined in PTI No. 02-9818, Appendix XII, the Construction Quality Assurance/ Quality Control Plan ("QA/QC") for the Facility. Per the QA/QC Plan, the QCA Consultant is responsible for *observing* and *accurately* documenting all activities related to permit documents, design plans, and technical specifications to ensure that any construction is done in accordance with the PTI. However, the report indicates that the QCA Consultant was not present during construction at the Facility. Additionally, the daily summary reports submitted to document construction activities at the Facility were not consistently prepared during construction, and those that were prepared, contained conflicting information.
  - b. Lifts of the perimeter berm were not tested to determine if they meet the compaction specifications as required by the QA/QC plan;
  - c. The report did not contain the results of all testing required by OAC Rule 3745-27-08(H)(3). Specifically, the results of failing tests were not included in the report;



- d. The report appears to indicate that not all of the soil material utilized for berm construction was the same material characterized by preconstruction samples SF-7 and SF-8 of the borrow area. Specifically, the following statements were made in the report, "The soil material used for Phase III berm structural fill construction was primarily mine spoil obtained from the eastern portion of the site in an active borrow area;" and "Structural fill materials were excavated from surrounding borrow sources using a trackhoe." (Emphasis added)
- e. Per the PTI, a portion of Perimeter Drainage Channel 4 is to be lined with erosion control net, however the report does not contain any details of the construction of the drainage channel and does not indicate whether the erosion net was installed;
- f. A summary of how construction was impacted by weather and equipment limitations and other difficulties was not included in the report as required by OAC Rule 3745-27-08(H)(1)(b);
- g. The report did not contain a description of the qualifications of the testing personnel as required by OAC Rule 3745-27-08(H)(7).

#### ***General Operational Violations***

- 12. Ohio EPA conducted an inspection of the Facility on August 11, 2005. In correspondence dated September 23, 2005, Ohio EPA notified Respondents of the following violations:
  - a. OAC Rule 3745-27-19(F) for failure to apply adequate daily cover;
  - b. OAC Rule 3745-27-19(G)(1) for failure to apply adequate intermediate cover;
  - c. OAC Rule 3745-27-19(G)(4) for failure to protect the intermediate cover from erosion;
  - d. OAC Rule 3745-27-19(E)(7)(a) for failure to comply with all applicable requirements for management of surface water runoff prior to accepting waste;
  - e. OAC Rule 3745-27-19(J)(1) for failure to ensure that surface water is diverted from areas where solid waste is being deposited;
  - f. OAC Rule 3745-27-19(J)(3) for failure to take all actions necessary to correct the conditions causing ponding or erosion. Specifically, Ohio EPA noted that areas of ponding and erosion were observed over most of the Facility;



- g. OAC Rule 3745-27-10(B)(6)(c) for failure to comply with the groundwater monitoring, assessment and corrective measure requirements of OAC Rule 3745-27-10;
  - h. OAC Rule 3745-27-10(B)(3)(e) for failure to maintain groundwater monitoring wells. Specifically the outer protective cap was not attached to the exterior steel casing at monitoring wells UZ-7 and UZ-9;
  - i. Additionally, Ohio EPA noted that because Respondents had failed to comply with the rules listed above, they were also in violation of OAC 3745-27-19(B)(1) and (B)(2) for failure to conduct all operations and construction activities at the Facility in strict compliance with all applicable authorizing documents, and OAC Rule 3745-27-19(B)(5) for failure to operate the Facility in a manner that does not cause a nuisance, health hazard, water pollution, and does not violate a regulation adopted by the Director pursuant to ORC Chapter 3704.
- 13. HCHD conducted an inspection of the Facility on December 15, 2005. In correspondence dated December 20, 2005, HCHD notified Respondent WRLM of the following violations:
  - a. OAC Rule 3745-27-09(G) for removing documents from the operating record without prior written approval. Specifically the following documents were missing from the operating record:
    - i. Financial assurance closure and post closure updates from 1995 through 2002, as required by OAC Rule 3745-27-09(I)(2)(b);
    - ii. Revised design specifications for the surface water control system as required by OAC Rule 3745-27-09(I)(2)(g);
    - iii. Annual operational report for 2003 as required by OAC Rule 3745-27-09(I)(6);
    - iv. PCB and hazardous waste prevention program waste screening inspection reports beginning June 1, 2005 required by OAC Rule 3745-27-09(I)(7);
    - v. Groundwater detection analysis results required by OAC Rule 3745-27-09(I)(10);
  - b. OAC Rule 3745-27-19(E)(1)(c) for failure to maintain the integrity of the engineered components of the Facility. Specifically, 100 feet of surface water diversion ditches on the southeast corner of the Facility are eroded;



- c. OAC Rule 3745-27-19(G)(4) for failure to protect the intermediate cover from erosion;
  - d. OAC Rule 3745-27-19(J)(3) for failure to undertake necessary actions to correct the conditions causing ponding and erosion. HCHD noted that ponding and erosion were observed in several areas throughout the Facility;
  - e. OAC Rule 3745-27-19(J)(1) for failure to ensure that surface water is being diverted from areas of waste placement. Specifically, at the time of the inspection, surface water was pooling in the ditches and not flowing to the sediment pond.
14. HCHD conducted an inspection of the Facility on January 30, 2006. In correspondence dated February 3, 2006, HCHD notified Respondent WRLM of the following violations:
- a. OAC Rule 3745-27-19(E)(1)(c) for failure to maintain the integrity of the engineered components of the Facility. Specifically, 100 feet of surface water diversion ditches on the southeast corner of the Facility are eroded;
  - b. OAC Rule 3745-27-19(G)(4) for failure to protect the intermediate cover from erosion;
  - c. OAC Rule 3745-27-19(E)(3)(b) for failure to ensure that operable equipment of adequate size and quantity for the operations of the Facility are available at all times. At the time of the inspection employees were attempting to compact the waste at the Facility with a bulldozer as the compactor for the Facility was inoperable.
  - d. OAC Rule 3745-27-19(E)(7)(e) for failure to deposit all solid waste at the working face. Specifically, fly ash was observed deposited along the access road to the Facility;
  - e. OAC Rule 3745-27-19(E)(9) for failure to contain scattered litter;
  - f. OAC Rule 3745-27-19(F) for failure to apply adequate daily cover;
  - g. OAC Rule 3745-27-19(J)(3) for failure to undertake necessary actions to correct the conditions causing erosion.
  - h. OAC Rule 3745-27-19(J)(1) for failure to ensure that surface water is being diverted from areas of waste placement. Specifically, surface water was pooling in the ditches and not flowing to the sediment pond.



15. HCHD conducted an inspection of the Facility on February 28, 2006. In correspondence dated March 2, 2006, HCHD notified Respondent WRLM of the following violations:
  - a. OAC Rule 3745-27-19(E)(1)(c) for failure to maintain the integrity of the engineered components of the Facility. Specifically, 100 feet of surface water diversion ditches on the southeast corner of the Facility are eroded;
  - b. OAC Rule 3745-27-19(E)(9) for failure to contain scattered litter;
  - c. OAC Rule 3745-27-19(F) for failure to apply adequate daily cover;
  - d. OAC Rule 3745-27-19(G)(4) for failure to protect the intermediate cover from erosion;
  - e. OAC Rule 3745-27-19(J)(3) for failure to undertake necessary actions to correct the conditions causing erosion.
  
16. HCHD conducted an inspection of the Facility on March 29, 2006. In correspondence dated April 3, 2006, HCHD notified Respondent WRLM of the following violations:
  - a. OAC Rule 3745-27-09(G) for removing documents from the operating record without prior written approval. Specifically, the following documents were missing from the operating record:
    - i. Financial assurance closure and post closure updates from 1995 through 2002, as required by OAC Rule 3745-27-09(I)(2)(b);
    - ii. Revised design specifications for the surface water control system as required by OAC Rule 3745-27-09(I)(2)(g);
    - iii. Annual operational report for 2003 as required by OAC Rule 3745-27-09(I)(6);
    - iv. PCB and hazardous waste prevention program waste screening inspection reports from June 1, 2005 and thereafter, required by OAC Rule 3745-27-09(I)(7);
    - v. Groundwater detection analysis results required by OAC Rule 3745-27-09(I)(10);
  - b. OAC 3745-27-19(E)(1)(c) for failure to maintain the integrity of the engineered components of the Facility. Specifically, 100 feet of surface water diversion ditches on the southeast corner of the Facility are eroded;
  - c. OAC Rule 3745-27-19(E)(9) for failure to contain scattered litter;



- d. OAC Rule 3745-27-19(G)(4) for failure to protect the intermediate cover from erosion;
  - e. OAC Rule 3745-27-19(J)(3) for failure to undertake necessary actions to correct the conditions causing erosion.
  - f. OAC Rule 3745-27-60(B) for improper storage of scrap tires.
17. HCHD conducted an inspection of the Facility on April 27, 2006. In correspondence dated May 3, 2006, HCHD notified Respondent WRLM of the following violations:
- a. OAC 3745-27-19(E)(2)(a) for failure to maintain access roads to the Facility in a manner that minimizes the generation of dust;
  - b. OAC Rule 3745-27-19(E)(9) for failure to contain scattered litter;
  - c. OAC Rule 3745-27-19(G)(4) for failure to protect the intermediate cover from erosion;
  - d. OAC Rule 3745-27-19(J)(3) for failure to undertake necessary actions to correct the conditions causing erosion.
  - e. OAC Rule 3745-27-60(B) for improper storage of scrap tires.
18. HCHD conducted an inspection of the Facility on May 31, 2006. In correspondence dated June 2, 2006, HCHD notified Respondent WRLM of the following violations:
- a. OAC Rule 3745-27-09(G) for removing documents from the operating record without prior written approval. Specifically the following documents were missing from the operating record:
    - i. Financial assurance closure and post closure updates from 1995 through 2002, as required by OAC Rule 3745-27-09(I)(2)(b);
    - ii. Revised design specifications for the surface water control system as required by OAC Rule 3745-27-09(I)(2)(g);
    - iii. Annual operational report for 2003 as required by OAC Rule 3745-27-09(I)(6);
    - iv. The 2002 Facility Operating License as required by OAC 3745-27-09(I)(15);
  - b. OAC Rule 3745-27-19(E)(2)(a) for failure to maintain the access roads at the Facility to minimize the generation of dust;



- c. OAC Rule 3745-27-19(E)(7)(f)(ii) for failure to ensure that dusty materials are handled, compacted, and covered in a manner that minimizes the amount of dust generated by those materials;
  - d. OAC Rule 3745-27-19(F) for failure to apply adequate daily cover;
  - e. OAC Rule 3745-27-19(E)(9) for failure to contain scattered litter;
  - f. OAC Rule 3745-27-19(G)(4) for failure to protect the intermediate cover from erosion;
  - g. OAC Rule 3745-27-19(J)(3) for failure to undertake necessary actions to correct the conditions causing erosion and ponding.
  - h. OAC Rules 3745-27-19(K)(1)(a),(b) and (c) for failure to repair, contain and properly manage leachate outbreaks at the Facility;
  - i. OAC Rule 3745-27-60(B) for improper storage of scrap tires.
19. HCHD conducted an inspection of the Facility on June 30, 2006. In correspondence dated July 3, 2006, HCHD notified Respondent WRLM of the following violations:
- a. OAC Rule 3745-27-19(E)(2)(a) for failure to maintain the access roads at the Facility to minimize the generation of dust;
  - b. OAC Rule 3745-27-19(E)(7)(f)(ii) for failure to ensure that dusty materials are handled, compacted, and covered in a manner that minimizes the amount of dust generated by those materials.
  - c. OAC Rule 3745-27-19(E)(9) for failure to contain scattered litter;
  - d. OAC Rule 3745-27-19(F) for failure to apply adequate daily cover;
  - e. OAC Rule 3745-27-19(G)(4) for failure to protect the intermediate cover from erosion;
  - f. OAC Rule 3745-27-19(J)(3) for failure to undertake necessary actions to correct the conditions causing erosion and ponding;
  - g. OAC Rule 3745-27-60(B) for improper storage of scrap tires.
20. HCHD conducted an inspection of the Facility on July 31, 2006. In correspondence dated August 1, 2006, HCHD notified Respondent WRLM of the following violations:
- a. OAC Rule 3745-27-19(E)(2)(a) for failure to maintain the access roads at the Facility to minimize the generation of dust;



- b. OAC Rule 3745-27-19(E)(7)(f)(ii) for failure to ensure that dusty materials are handled, compacted, and covered in a manner that minimizes the amount of dust generated by those materials.
  - c. OAC Rule 3745-27-19(E)(9) for failure to contain scattered litter;
  - d. OAC Rule 3745-27-19(G)(4) for failure to protect the intermediate cover from erosion;
  - e. OAC Rule 3745-27-19(J)(3) for failure to undertake necessary actions to correct the conditions causing erosion;
  - f. OAC Rule 3745-27-60(B) for improper storage of scrap tires.
21. HCHD conducted an inspection of the Facility on August 31, 2006. In correspondence dated September 5, 2006, HCHD notified Respondent WRLM of the following violations:
- a. OAC Rule 3745-27-09(G) for removing documents from the operating record without prior written approval. Specifically the following documents were missing from the operating record:
    - i. Financial assurance closure and post closure updates from 1995 through 2002, as required by OAC Rule 3745-27-09(I)(2)(b);
    - ii. Revised design specifications for the surface water control system as required by OAC Rule 3745-27-09(I)(2)(g);
    - iii. Annual operational report for 2003 as required by OAC Rule 3745-27-09(I)(6);
    - iv. The 2002 Facility Operating License as required by OAC 3745-27-09(I)(15);
  - b. OAC Rule 3745-27-19(E)(2)(a) for failure to maintain the access roads at the Facility to minimize the generation of dust;
  - c. OAC Rule 3745-27-19(E)(7)(f)(ii) for failure to ensure that dusty materials are handled, compacted, and covered in a manner that minimizes the amount of dust generated by those materials;
  - d. OAC Rule 3745-27-19(E)(9) for failure to contain scattered litter;
  - e. OAC Rule 3745-27-19(G)(4) for failure to protect the intermediate cover from erosion;



- f. OAC Rule 3745-27-19(J)(3) for failure to undertake necessary actions to correct the conditions causing erosion;
  - g. OAC Rule 3745-27-60(B) for improper storage of scrap tires.
- 22. HCHD conducted an inspection of the Facility on November 20, 2006. In correspondence dated December 1, 2006, HCHD notified Respondent WRLM of the following violations:
  - a. OAC Rule 3745-27-19(E)(9) for failure to contain scattered litter;
  - b. OAC Rule 3745-27-19(G)(4) for failure to protect the intermediate cover from erosion;
  - c. OAC Rule 3745-27-19(J)(3) for failure to undertake necessary actions to correct the conditions causing erosion;
  - d. OAC Rule 3745-27-60(B) for improper storage of scrap tires.
- 23. HCHD conducted an inspection of the Facility on December 12, 2006. In correspondence dated December 12, 2006, HCHD notified Respondent WRLM of the following violations:
  - a. OAC Rule 3745-27-09(G) for removing documents from the operating record without prior written approval. Specifically the following documents were missing from the operating record:
    - i. Financial assurance closure and post closure updates from 1995 through 2002, as required by OAC Rule 3745-27-09(I)(2)(b);
    - ii. Annual operational report for 2003 as required by OAC Rule 3745-27-09(I)(6);
    - iii. The 2002 Facility Operating License as required by OAC Rule 3745-27-09(I)(15);
  - b. OAC Rule 3745-27-19(E)(1)(c) for failure to maintain the integrity of the engineered components of the Facility. Specifically the perimeter roadway along the east and south sides of the Facility is rutted and severely eroded;
  - c. OAC Rule 3745-27-19(E)(2)(a) for failure to maintain the access roads at the Facility to minimize the generation of dust;
  - d. OAC Rule 3745-27-19(E)(7)(f)(ii) for failure to ensure that dusty materials are handled, compacted, and covered in a manner that minimizes the amount of dust generated by those materials;



- e. OAC Rule 3745-27-19(E)(9) for failure to contain scattered litter;
  - f. OAC Rule 3745-27-19(F) for failure to apply adequate daily cover;
  - g. OAC Rule 3745-27-19(G)(4) for failure to protect the intermediate cover from erosion;
  - h. OAC Rule 3745-27-19(J)(3) for failure to undertake necessary actions to correct the conditions causing ponding and erosion;
  - i. OAC Rules 3745-27-19(K)(1)(a), (b) and (c) for failure to repair, contain and properly manage leachate outbreaks at the Facility;
  - j. OAC Rule 3745-27-60(B) for improper storage of scrap tires.
24. On January 29, 2007, HCHD conducted an inspection of the Facility. In correspondence dated February 7, 2007, HCHD notified Respondent WRLM of the following violations:
- a. OAC Rule 3745-27-19(E)(1)(c) for failure to maintain the integrity of the engineered components of the Facility. Specifically, HCHD noted that the perimeter roadway along the east and south sides of the Facility is rutted and severely eroded;
  - b. OAC Rule 3745-27-19(E)(9) for failure to contain scattered litter. Additionally HCHD stated that this violation has been noted during each inspection over the previous 12 months with little or no progress observed, and further requested that Respondent WRLM submit a plan of action to control the scattered litter;
  - c. OAC Rule 3745-27-19(F) for failure to apply adequate daily cover;
  - d. OAC Rule 3745-27-19(G)(4) for failure to protect the intermediate cover from erosion;
  - e. OAC Rule 3745-27-60(B) for improper storage of scrap tires.
25. On March 21, 2007, HCHD conducted an inspection of the Facility. In correspondence dated March 23, 2007, HCHD notified Respondents of the following violations:
- a. OAC Rule 3745-27-09(G) for removing documents from the operating record without prior written approval, Specifically the following documents were missing from the operating record:



- i. Financial assurance closure and post closure updates from 1995 through 2002, and 2005, as required by OAC Rule 3745-27-09(I)(2)(b);
  - ii. General Site Plan from Annual Landfill Report 1993 as required by OAC Rule 3745-27-09(I)(4);
  - iii. Annual Operational report for 2005 as required by OAC Rule 3745-27-09(I)(6);
  - iv. Revised PCB and Hazardous Waste Detection and Prevention Program as required by OAC Rule 3745-27-09(I)(7);
  - v. 2002 Facility Operating License as required by OAC Rule 3745-27-09-(I)(15);
- b. OAC Rule 3745-27-19(E)(1)(c) for failure to maintain the integrity of the engineered components of the Facility. Specifically, HCHD noted that the perimeter roadway along the east and south sides of the Facility needs additional maintenance, and surface water ditches leading to Sedimentation Pond 2 continue to severely erode;
  - c. OAC Rule 3745-27-19(E)(9) for failure to employ all reasonable measures to contain scattered litter. Additionally HCHD stated that this violation has been noted during each inspection over the previous 13 months with little or no progress observed;
  - d. OAC Rule 3745-27-19(F) for failure to apply adequate daily cover. HCHD noted that fly ash is being used at the Facility in lieu of soil for daily cover and that Respondents do not have written approval from the Director of Ohio EPA to use an alternate daily cover. HCHD further informed Respondents that the fly ash is not permitted to be used for daily cover and this practice should cease immediately. Additionally it was noted that exposed solid waste was observed on the southeast and southwest sides of the current working face.
  - e. OAC Rule 3745-27-19(G)(4) for failure to protect the intermediate cover from erosion;
  - f. OAC Rule 3745-27-19(J)(3) for failure to undertake necessary actions to correct the conditions causing ponding and erosion;
  - g. OAC 3745-27-19(K)(1) for failure to repair all leachate outbreaks at the Facility;
  - h. OAC Rule 3745-27-60(B) for improper storage of scrap tires.



26. HCHD conducted an inspection of the Facility on April 30, 2007. In correspondence dated May 3, 2007, HCHD notified Respondents of the following violations:
  - a. OAC Rule 3745-27-19(E)(1)(c) for failure to maintain the integrity of the engineered components of the Facility. Specifically, HCHD noted that the perimeter roadway along the east and south sides of the Facility needs additional maintenance;
  - b. OAC 3745-27-19(E)(2)(a) for failure to maintain the access roads at the Facility to minimize the generation of dust;
  - c. OAC Rule 3745-27-19(E)(9) for failure to employ all reasonable measures to contain scattered litter;
  - d. OAC Rule 3745-27-19(E)(11)(a) for failure to document the results of daily inspections for leachate outbreaks, ponding, and erosion at the Facility and include the documentation in the operating record;
  - e. OAC Rule 3745-27-19(E)(11)(b) for failure to document the results of weekly inspections of the sedimentation ponds and sedimentation discharge structures and include the documentation, as well as a discussion of any corrective actions taken to address problems with the sedimentation ponds and sedimentation discharge structures in the operating record;
  - f. OAC Rule 3745-27-19(F) for failure to apply adequate daily cover;
  - g. OAC Rule 3745-27-19(G)(4) for failure to protect the intermediate cover from erosion;
  - h. OAC Rule 3745-27-19(J)(3) for failure to undertake necessary actions to correct the conditions causing ponding and erosion;
  - i. OAC Rule 3745-27-19(K)(1) for failure to repair leachate outbreaks at the Facility.
27. HCHD conducted an inspection of the Facility on May 15, 2007. In correspondence dated May 23, 2007, HCHD notified Respondents that the violations noted during the previous inspection had been addressed.
28. HCHD conducted an inspection of the Facility on October 31, 2007. In correspondence dated November 2, 2007, HCHD notified Respondents of the following violations:
  - a. OAC Rule 3745-27-09(G) for removing documents from the operating record without prior written approval. Specifically the following documents were missing from the operating record:



- i. Financial assurance closure and post closure updates from 1995 through 2002, as required by OAC Rule 3745-27-09(I)(2)(b);
  - ii. General Site Plan from Annual Landfill Report 1993 as required by OAC Rule 3745-27-09(I)(4);
  - iii. Revised Design Specifications for the Surface Water Control System as required by OAC Rule 3745-27-09(I)(2)(G);
  - iv. Surface Water PTI No. 583080 for Sedimentation Basin No. 3 as required by OAC Rule 3745-27-09(I)(14).
29. HCHD conducted an inspection of the Facility on December 11, 2007. In correspondence dated December 13, 2007, HCHD notified Respondents of the following violations:
  - a. OAC Rule 3745-27-09(G) for removing documents from the operating record without prior written approval. Specifically the following documents were missing from the operating record:
    - i. Financial assurance closure and post closure updates from 1995 through 2002, as required by OAC Rule 3745-27-09(I)(2)(b);
    - ii. Revised Design Specifications for the Surface Water Control System as required by OAC Rule 3745-27-09(I)(2)(G);
    - iii. Revised PCB and Hazardous Waste Detection and Prevention Program as required by OAC Rule 3745-27-09(I)(7);
    - iv. Surface Water PTI No. 583080 for Sedimentation Basin No. 3 as required by OAC Rule 3745-27-09(I)(14);
    - v. General Site Plan from Annual Landfill Report 1993 as required by OAC Rule 3745-27-09(I)(4).
30. HCHD conducted an inspection of the Facility on January 23, 2008. In correspondence dated January 23, 2008, HCHD notified Respondents they were in violation of OAC Rule 3745-27-19(E)(9) for failure to employ all reasonable measures to contain scattered litter. Specifically it was noted that a large accumulation of litter was observed between the current working area and the woods to the north of the Facility.
31. HCHD conducted an inspection of the Facility on February 11, 2008. In correspondence dated February 20, 2008, HCHD notified Respondents of the following violations:



- a. OAC Rule 3745-27-19(E)(9) for failure to employ all reasonable measures to contain scattered litter. Specifically HCHD noted that a large accumulation of litter was observed between the current working area and the woods to the north of the Facility.
  - b. OAC Rule 3745-27-19(F) for failure to apply daily cover. Specifically HCHD noted that seams of exposed solid waste were observed west of the current working area.
32. HCHD conducted inspections of the Facility on March 25, 2008, and March 31, 2008. In correspondence dated April 18, 2008, HCHD notified Respondents of the following violations:
  - a. OAC Rule 3745-27-19(E)(9) for failure to employ all reasonable measures contain scattered litter. Specifically, HCHD noted that a large accumulation of litter was observed between the current working area and the woods to the north of the Facility during the March 25, 2008 inspection and that the litter had not been addressed as of the follow-up inspection on March 31, 2008;
  - b. OAC Rule 3745-27-19(F) for failure to apply daily cover. Specifically, HCHD noted that seams of exposed solid waste were observed on the side slopes north and south of the current working area and that no action had been taken to address the exposed waste as of the follow-up inspection on March 31, 2008;
  - c. OAC Rule 3745-27-19(J)(3) for failure to undertake necessary actions to correct the conditions causing ponding. Specifically, HCHD noted that ponding of surface water was observed throughout the Facility during the March 25, 2008 inspection and that no action had been taken to address the ponding as of the inspection on March 31, 2008;
  - d. OAC Rule 3745-27-19(K)(1) for failure to manage and repair leachate outbreaks. Specifically, HCHD noted that leachate outbreaks were observed in several areas of the Facility and that leachate from the majority of the outbreaks was migrating to the surface water diversion ditches leading to sediment ponds located in the southwest and west portions of the Facility. As of the inspection on March 31, 2008, leachate outbreaks had been addressed on the western most side slope of the Facility, but leachate outbreaks on the southwest, west and east side slopes were continuing to migrate into surface water diversion ditches.
33. HCHD conducted an inspection of the Facility on May 15, 2008. In correspondence dated May 30, 2008, HCHD notified Respondents of the following violations:



- a. OAC Rule 3745-27-05(C) for open dumping of solid waste. Specifically it was noted that several uncovered roll-off containers had been stored at the Facility in excess of the seven days allowed by OAC Rule 3745-27-03(A)(2). OAC Rule 3745-27-03(A)(2) specifically states that, "...temporary storage of putrescible solid wastes in excess of seven days, or temporary storage of any solid wastes where such storage causes a nuisance or health hazard in the judgment of the health commissioner or the director or their authorized representative shall be considered open dumping."
- b. OAC Rules 3745-27-09(B)(2), and 3745-27-09(F) for failure to update the operating record and submit copies of all new documents or revisions to existing documents into the operating record;
- c. OAC Rule 3745-27-19(E)(1)(c) for failure to maintain the integrity of the engineered components of the Facility. Specifically, HCHD noted that the surface water diversion ditches on the east and south sides of the Facility are in disrepair and are not conveying surface water to sedimentation ponds No. 1 and No. 2 as required;
- d. OAC Rule 3745-27-19(E)(2)(a) for failure to maintain all-weather access roads to allow passage of refuse vehicles at all times. Specifically, HCHD noted that the access road at the Facility is impassable to the refuse trucks due to muddy conditions and that refuse trucks have been pulled through the mud to reach the disposal area causing ruts deep enough to expose solid waste;
- e. OAC Rule 3745-27-19(E)(3)(b) for failure to ensure that adequate equipment is available for the operation of the Facility. Specifically it was noted that several items of equipment ( bulldozer, excavator, roller etc.) are broken and there is not enough operable equipment at the Facility to maintain daily operation of the Facility and Facility construction simultaneously;
- f. OAC Rule 3745-27-19(E)(6) for failure to ensure that adequate preparations have been made to ensure that waste is able to be received, compacted, and covered during inclement weather. Specifically earth material had not been stored in sufficient quantities to ensure adequate cover material on a daily basis;
- g. OAC Rule 3745-27-19(E)(7)(c) for failure to confine the unloading of waste to the smallest practical area. Specifically, HCHD noted that waste had been off-loaded in areas other than the working area.



- h. OAC Rule 3745-27-19(E)(7)(e) for failure to ensure that all waste accepted at the Facility is deposited in the working face, spread in layers not more than two feet thick, and compacted to the smallest practical volume. Specifically, two large piles of concrete with rebar were observed to have been disposed without being compacted or covered and solid waste was visible in the void spaces beneath the concrete;
  - i. OAC Rule 3745-27-19(E)(9) for failure to employ all reasonable measures contain scattered litter. Specifically, HCHD noted that a large accumulation of scattered litter was observed on the ground northwest of the maintenance building in addition to litter being tracked onto township road 326 by the refuse trucks.
  - j. OAC Rule 3745-27-19(F) for failure to apply adequate daily cover. Specifically, HCHD noted that seams of exposed waste were observed on the side slopes north, south, and west of the current working areas and no daily cover was applied in the immediate proximity to the working area.
  - k. OAC Rule 3745-27-19(G) for failure to protect the intermediate cover from erosion. Specifically, HCHD noted that vegetative cover in several areas is sparse or lacking and erosion has occurred in several areas throughout the Facility;
  - l. OAC Rule 3745-27-19(J)(1) for failure to divert surface water from areas of the Facility where waste is being, or has been disposed;
  - m. OAC Rule 3745-27-19(J)(3) for failure to undertake necessary actions to correct the conditions causing ponding or erosion. Specifically, HCHD noted that ponding was occurring in several areas throughout the Facility;
  - n. OAC Rule 3745-27-19(K)(1) for failure to repair leachate outbreaks and take action to contain, manage, collect and properly dispose of all leachate and address the conditions which contribute to the production of the leachate. Specifically, HCHD noted that leachate outbreaks were occurring in several areas of the Facility and that a large pool of leachate was observed in the surface water diversion ditch south of the current working face;
  - o. OAC Rule 3745-27-60(B) for failure to store scrap tires appropriately.
34. On May 20, 2008, the Board of Health issued orders to Respondent WRLM requiring, in part, that the Facility cease acceptance of waste for a minimum of seven days, and until all violations have been addressed. Additionally the May 20, 2008, orders required Respondent WRLM to submit plans outlining the steps Respondent WRLM would take to ensure that the Facility is operating in compliance.

