Clark Co
Tremont LF
GW. Corr.

OhioEPA
State of Ohio Environmental Protection Agency

Southwest District Office

401 E. Fifth St.
Dayton, Ohio 45402

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

April 28, 2008

Tremont Landfill Company
c/o Mr. Tom Danis
110 N. Main St, Suite 1300
Dayton, Ohio 45402

RE: **Tremont Landfill, Clark County**
Notice of Violation- DDAGW'S Review of the Ground Water Detection Monitoring Report dated 1/18/08

Dear Mr. Danis:

On January 22, 2008, the Ohio Environmental Protection Agency (Ohio EPA), Southwest District Office, Division of Solid and Infectious Waste Management (DSIWM) received the document titled Ground Water Detection Monitoring Report, dated January 18, 2008 for the Tremont Landfill. The ground water wells were sampled on November 5th and 7th, 2007.

The documents were submitted by Civil & Environmental Consultants, Inc. on behalf of the Tremont Landfill Company (Owner) for the Tremont Landfill (Facility).

DSIWM forwarded the documents to the Division of Drinking and Ground Waters (DDAGW) for review and comment.

Monitoring wells MW-7D, MW-1R, and MW-8S were included in the detection monitoring report, however these wells are currently in assessment monitoring in accordance with Ohio Administrative Code (OAC) Rule 3745-27-10(E). In addition MW-7D exceeded statistical limits for arsenic, barium and cadmium while MW-8S exceeded statistical limits for sodium and chloride for the November 5th and 7th, 2007 sampling event. The Facility stated that a demonstration report for these wells will be submitted under a separate cover, however these wells have already entered into assessment monitoring and an Assessment Plan was submitted to Ohio EPA, SWDO on May 29, 2007.

The owner or operator's failure to conduct assessment monitoring and submit the assessment monitoring report is a violation of OAC Rule 3745-27-10(E), which states in part:

> "Unless the director approves the report submitted in accordance with paragraph (D)(7)(c) of this rule, the owner or operator shall implement a ground water quality assessment plan capable of determining the concentration, rate, and extent of migration of waste-derived constituent(s) in the ground water upon determining a statistically significant increase over background in accordance with paragraph (D)(7) of this rule. The owner or operator shall implement and comply with the ground water quality assessment plan and the requirements of this rule...".

Assessment monitoring needs to be performed and reported to Ohio EPA for the aforementioned monitoring wells.

Compliance with the requirements outlined in this letter shall not relieve you of your obligation to comply with other legal obligations, including, but not limited to, Chapters 3704, 3714, 3734, or 6111 of the Ohio Revised Code or under the Federal Clean Water Act, Clean Air Act, Comprehensive Environmental Response, Compensation, and Liability Act, or Resource Conservation and Recovery Act remedying conditions resulting from any release of contaminants to the environment.

If you have any further questions regarding DDAGW's comments, please contact Rich Bendula or me at (937) 285-6357.

Sincerely,

Maria Lammers, R.S.
Environmental Specialist
Ohio EPA-DSIWM

Cc: Anne Kaup-Fett, Clark County Combined Health District
Dale Vitale, Ohio Attorney General's Office
Michael W. Krumholtz, Attorney- Bieser, Greer and Landis
Thomas T. Terp, Attorney-Taft, Stettinius & Hollister
Ralph Hirshberg, Civil and Environmental Consultants, Inc.