



State of Ohio Environmental Protection Agency

Southwest District

401 East Fifth Street
Dayton, Ohio 45402-2911

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www.epa.state.oh.us

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

CERTIFIED MAIL

June 4, 2007

Tremont Landfill Company
c/o Mr. Tom Danis
110 North Main Street, Suite 1300
Dayton, OH 45402

RE: Tremont Landfill, Clark County
Notice of Violation- 2006 Annual Report Review

Dear Mr. Danis:

The Ohio Environmental Protection Agency (Ohio EPA), Southwest District Office (SWDO) received the 2006 Tremont (Closed) Landfill Annual Report on April 2, 2007 (2007 Annual Report). The 2007 Annual Report was reviewed for compliance with the Ohio Administrative Code Rules 3745-27-19(M) and 3745-27-14. My review of this report revealed the following deficiencies:

1. The annual report forms were not submitted as part of the annual report packet. Please complete the attached annual post-closure report forms and submit to Ohio EPA, Southwest District Office.
These forms are also available on our website at:
<http://www.epa.state.oh.us/dsiwm/pages/forms.html>
2. Leachate analysis is required annually pursuant to OAC Rule 3745-27-14(A)(6)(b) which states in part, "If a leachate collection system exists, results of analytical testing of an annual grab sample of leachate for the parameters specified in Appendix I of rule 3745-27-10 of the Administrative Code. The grab sample shall be obtained from the leachate management system".

Upon review of the 2007 Annual Report, six (6) of the seventy-eight (78) required Appendix I parameters were missing from the analytical results.

Specifically, the six (6) missing constituents are as follows:

- Acrylonitrile
- Bromodichloromethane
- pH
- Temperature
- Specific conductance
- Turbidity

Failure to submit complete analytical results from the leachate grab sample as specified in Appendix I of OAC Rule 3745-27-10 is a violation of OAC Rule 3745-27-14(A)(6)(b).

As a reminder for next year, the leachate sampling results for all parameters specified in Appendix I pursuant to Ohio Administrative Code (OAC) Rule 3745-27-10 must be submitted in the 2007 Annual Report. Please ensure that the leachate grab sample has been analyzed for all required constituents prior to submittal of the Annual Report.

3. The following comments are from the review of the 2007 Post-Closure Cost Estimate for the Tremont Landfill:

The Tremont Landfill 2001 Annual Report calculated the post-closure cost estimate to be \$1,471,852. The current financial assurance post-closure cost estimate submitted in the 2007 Annual Report is \$1,691,000. Our review of the post-closure cost estimate revealed numerous deficiencies, inaccuracies, and incorrect assumptions. As such, Ohio EPA's Southwest District Office sent you a letter dated February 20, 2007, requesting that at a minimum, the Financial Assurance Estimate be calculated using third party cost estimates. **It appears from the continued review of the post-closure cost estimate that these changes have not been made, please revise accordingly. Additionally, more specific issues are the subject of this Notice of Violation letter.**

As a reminder, pursuant to Ohio Administrative Code (OAC) Rule 3745-27-16(C), "the post-closure care financial assurance instrument shall contain an itemized written estimate, in current dollars, of the cost of post-closure care for the sanitary landfill facility in accordance with rule 3745-27-14, 3745-29-14, or 3745-30-10 of the Administrative Code, as applicable, or for a scrap tire monofill facility in accordance with rule 3745-27-74 of the Administrative Code. The estimate shall be based on a third party conducting the post-closure care activities. Ohio

EPA may review, approve, and/or require revisions to the post-closure care cost estimate and/or to the post-closure care financial assurance instrument.”

4. In Section I-Ground Water Monitoring, subsection (a) Detection Wells (Appendix I) monitoring was previously reported in the 2002 Annual Report as a unit cost of \$611.02 per well, however the current unit cost for monitoring detection wells for appendix I parameters is listed as \$345.00 per well. **Please correct and explain this discrepancy.**
5. In Section I, subsection (c) the cost for assessment/corrective measures monitoring for both Appendix I and II parameters is listed as a unit cost of \$840.00. Please explain why this unit cost is not the total of subsection (a) plus subsection (c). Furthermore, the 2007 annual cost for assessment/corrective measures has drastically decreased from the total cost reported in the 2002 Annual Report. (See comment #14 for additional information). **Please correct and explain this discrepancy.**
6. In Section II-Explosive Gas Migration Monitoring the total cost for semi-annual sampling and explosive gas reports was reported in the 2002 Annual Report as \$4346.00, however there has been a decrease in this value for the 2007 Annual Report, as it is listed as \$1850.00. **Please correct and explain this discrepancy.**
7. In Section III- Leachate Monitoring, subsection (a) reported the annual leachate grab sample analysis cost as \$410.00. This value appears to be lower than what is typically seen \$600-\$2,000 range for leachate analysis in Ohio. **Please correct and explain this discrepancy.**
8. In Section IV-Surface Water Monitoring, the total cost for sampling and producing surface water monitoring reports is listed as the sum of subsection (a) through (c). The 2007 Annual Report listed the total cost for surface water monitoring and reporting as \$900.00. Ohio EPA typically sees values in the \$3000-\$300,000 range, **please correct or explain this discrepancy.**
9. In Section V- Operation and Maintenance of Leachate Collection and Treatment System, subsection (a), the 2007 Annual Report reported the inspection and flushing of only 600 linear feet of the leachate collection pipes at a cost of \$180.00, however the Ohio Administrative Code requires the entire system be inspected annually pursuant to OAC Rule 3745-27-19(K)(3) which states in part:

“The owner or operator shall visually or physically inspect the collection pipe network of the leachate management system after placement of the initial lift of

waste to ensure that crushing has not occurred and shall inspect the collection pipe network annually thereafter to ensure that clogging has not occurred."

Examples of visual or physical inspection of the leachate management system are: dye test, water jet flushing of the system, and down-hole-camera inspection. Ohio EPA typically sees values for inspecting and flushing of leachate collection systems in the range of \$1400-\$165,000. **Please correct and explain the discrepancy.**

10. In Section V, subsection (b) there is no cost reported for the inspection and cleaning of the sumps and traps; however in the 2002 Annual Report it was reported as annual cost of \$572.00. Ohio EPA typically sees a range from \$1400-\$165,000 for the inspection and flushing of leachate collection systems. There are facilities where it makes sense to combine the inspection and flushing of the collection pipes with the inspection and cleaning of the sumps and traps, however, this does need to be reflected in the cost estimates. **Please correct and explain this discrepancy.**
11. In Section V, subsection (c) the replacement of sump pumps, piping and instrumentation was reported in 2007 as a unit cost of \$1200 and was estimated for replacement once every ten (10) years, however in 2002 the sump replacement cost was reported as \$2859.00 and estimated for a five (5) year life. **Please correct and explain this discrepancy.**
12. In Section V, subsection (d) the inspection and cleaning of lift station(s), manhole(s), and conveyance structures was reported as an annual cost of \$400.00, however in 2002 it was reported as \$572.00. **Please correct and explain this discrepancy.**
13. In Section V, subsection (j) the off-site leachate disposal unit cost was reported as \$0.08; however current hauling invoices obtained by this office report the leachate disposal unit cost as \$0.12. **Please revise the unit cost to reflect at a minimum, current cost or third party estimates for disposal costs and recalculate the final cost estimate for this section.**
14. In Section VI-Operation and Maintenance of Ground Water Monitoring System, the total cost for routine maintenance, repair and replacement of monitoring wells and well abandonment at the end of the post-closure care period was reported an annual combined cost in 2007 as \$24,707.00, however Ohio EPA typically sees annual combined values for Section I-Ground Water Monitoring and Section VI-Operation and Maintenance of Ground Water Monitoring System in the range of \$37,000-\$75,000. **Please correct this discrepancy.**

15. In Section VII- Operation and Maintenance of Explosive Gas Extraction and/or Control System, the 2007 annual cost estimate is \$2,308.00. Ohio EPA typically sees values in the \$60,000 -\$240,000 range. **Please revise accordingly.**
16. In Section VIII- Operation and Maintenance of Explosive Gas Monitoring System, total annual cost was reported in 2007 as \$1,732.00, however in the 2002 Annual Report the explosive gas monitoring annual cost was reported as \$4,346.00. Ohio EPA typically sees values for operation and maintenance for explosive gas monitoring systems in the range of \$24,000-\$150,000. **Please correct and explain the discrepancy.**
17. In Section X-Maintenance of Cover System, the cost of cap repair, mowing, fertilizing, seeding, grading, erosion repair, rodent control and culvert replacement is listed as the sum of subsection (a) through (e). In 2002 the annual cost was reported as \$6,633.00; however in 2007 the annual cost for maintenance of the cover system was reported as \$10,550.00. Ohio EPA typically sees annual cost estimates for the cover system maintenance reported in the range of \$14,000-\$150,000. **Please correct and explain this discrepancy.**

Please note this list of deficiencies is not considered exhaustive and may be expanded upon as more information is gathered by Ohio EPA as to typical costs of landfill post-closure care.

Please revise and resubmit the 2007 Financial Assurance Post-Closure Cost Estimate for the Tremont Landfill to Ohio EPA, SWDO in a timely manner. It is strongly recommended that the Financial Assurance Cost Estimate document which was provided to Mr. Hirshberg as an enclosure to the November 21, 2006 letter from Ohio EPA be used as a guidance as revisions are made to the Financial Assurance document.

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.

Tremont Landfill, Clark County
2007 Annual Report Review
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If you have any questions, please contact me at (937) 285-6046 or Joleen Cook at (937) 285-6071.

Sincerely,



Maria Lammers, R.S.

Environmental Specialist II
Division of Solid and Infectious Waste Management

Enclosure: Ohio EPA Annual Post-Closure Report Forms for Landfill Facilities
Ohio EPA-Notice of Deficiency letter, dated February 20, 2007

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.

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State of Ohio Environmental Protection Agency

Southwest District Office

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

February 21, 2007

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

RE: Tremont Landfill, Clark County
Notice of Deficiency- 2007 Financial Assurance Estimate Review

Dear Mr. Danis:

The Ohio Environmental Protection Agency (Ohio EPA), Southwest District Office (SWDO) is currently reviewing the document titled Updated CY 2007 Financial Assurance Estimate, CEC Project No. 061-686, dated January 8, 2007 for the Tremont Landfill (Landfill) located in Clark County.

Upon our initial review of the post-closure cost estimate the following deficiencies were discovered:

- Off-site leachate disposal unit cost was reported as \$0.08; however Tremont Landfill's current hauling invoices show the leachate disposal unit cost as \$0.12. **Please revise the unit cost to reflect the actual-disposal costs at Tremont Landfill and recalculate the final cost estimate;**
- Multipliers used within the line items of the Landfill's 2007 post-closure cost estimate reporting a frequency of less than one (1) year for post-closure care activities at the Landfill. Ohio EPA does not recognize multipliers. Therefore, please revise each section of the post-closure care estimate to eliminate the multipliers.

As a reminder, pursuant to **Ohio Administrative Code (OAC) Rule 3745-27-16(C)**, "the post-closure care financial assurance instrument shall contain an itemized written estimate, in current dollars, of the cost of post-closure care for the sanitary landfill facility in accordance with rule 3745-27-14, 3745-29-14, or 3745-30-10 of the Administrative Code, as applicable, or for a scrap tire monofill facility in accordance with rule 3745-27-74 of the Administrative Code. The estimate shall be based on a

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Tremont Landfill, Clark County
NOD-Initial Review of the 2007 Financial Assurance Post-Closure Cost
Estimate
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third party conducting the post-closure care activities. Ohio EPA may review, approve, and/or require revisions to the post-closure care cost estimate and/or to the post-closure care financial assurance instrument."

- Quarterly post-closure care reports for Tremont Landfill were submitted to Ohio EPA, SWDO from 1996 to 2002. Data collected from those reports revealed the average annual leachate volume during the aforementioned time period was 627,814 gallons per year.

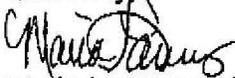
Based on the 2004/2005/2006 leachate hauling volumes reported from the Springfield WWTP, the average leachate volume removed from the landfill for treatment was 1,020,133 gallons per year. Your recent cost estimate submittal listed the volume of leachate to be 456,280 gallons per year. That is less than half of the actual average volume of leachate removed from the landfill. **Please revise the leachate quantity to reflect current hauling volumes. Revising the leachate volumes will also require a revision of the disposal costs in Section V line item (j). Please revise accordingly.**

Please note, this list of deficiencies is not considered exhaustive and may be expanded after Ohio EPA has an opportunity to thoroughly review the revised 2007 Financial Assurance Post-Closure Cost Estimate for the Tremont Landfill.

Please revise and resubmit the 2007 Financial Assurance Post-Closure Cost Estimate for the Landfill addressing, at a minimum, the deficiencies explained above to Ohio EPA, SWDO in a timely manner.

If you have any questions, please contact me at (937) 285-6046 or Joleen Cook at (937) 285-6071.

Sincerely,



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

cc: Anne Kaup-Fett, Clark County Combined Health District
Fanny Haritos, Ohio EPA-DSIWM, Central Office
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.

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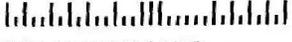
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PS Form 3800, June 2002 See Reverse for Instructions

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