



John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

December 5, 2012

Mr. Robert Amjad
Hemisphere Development LLC
3 Hemisphere Way
Bedford, Ohio 44146

Re: Stickney Recycling C&DD Landfill – Notice of Violation

Dear Mr. Amjad:

On Thursday, October 25, 2012, the Ohio Environmental Protection Agency (Ohio EPA), Northwest District Office (NWDO), Division of Material and Waste Management (DMWM) and the Toledo-Lucas County Health Department (Health Department) were informed that a landfill fire was occurring at the Stickney Recycling Construction and Demolition Debris Landfill (Facility) located at 4425 Creekside in Toledo, Ohio. The fire continued to burn and smolder until Sunday, October 28, 2012, at which point the waste mass was separated and sprayed with water. In order to completely distinguish the fire, the waste mass was pushed into the Inactive Licensed Disposal Area (ILDA) and covered with soil and alum sludge. The leachate collection pumps were shut down during the fire event to allow leachate to accumulate in the cell. The accumulated leachate was used as a barrier to help prevent the fire from spreading across the drainage layer of shredded tires.

On October 29, 2012, Ohio EPA and the Health Department met with the owner/operator and their consultants to review the events of the past several days and to determine when the facility could re-open and begin to accept debris. It was decided that the burnt waste mass could remain in the ILDA until temperature probe data indicated the waste mass had cooled sufficiently. It was also decided that the landfill could re-open when all areas affected by the fire, including the entire west slope, the northwest corner and one third of the north slope were covered with alum sludge and/or soil. After an inspection conducted on October 30, 2012, the Health Department granted the owner/operator permission to re-open the landfill.

Many issues regarding the landfill fire itself and issues resulting from the fire need to be addressed. Ohio EPA's comments are numbered and outlined below.

1. Debris Outside the Active Licensed Disposal Area (ALDA)

The burning waste mass was placed into the ILDA, sprayed with water and covered with alum sludge and soil in order to extinguish the fire. It was determined that the burnt waste mass should remain in the ILDA until it cooled sufficiently to avoid re-igniting the fire. On November 2, 2012, the owner/operator submitted an exemption request to allow debris to remain in the ILDA. The Health Department granted this exemption on November 13, 2012.

2. Fire Response Plan

The owner/operator is required to submit a "fire response plan (Response Plan)" within fifteen (15) of receipt of this letter.

The Response Plan should include, but not be limited to, a measurement of the temperature of the affected fire debris (currently located in the ILDA) and the baseline temperature of the debris in the ALDA, when and how the fire debris will be relocated back within approved limits of debris placement and how the base grades and leachate collection system will be recertified after debris removal.

3. Site Access

OAC Rule 3745-400-11(I)(1) states, "the owner or operator shall limit access to the facility to authorized personnel only, except when operating personnel are present during operating hours." According to site personnel, the theory of how the fire started involved trespassers cutting the lock and chain on the front gate, scrapping metal from the debris with a torch, setting the debris on fire and exiting the facility after the fire started. While access to the facility was limited, a more robust security plan must be implemented. Within thirty (30) days of receipt of this letter, please submit a site access plan (Access Plan) detailing how the owner/operator will limit site access to authorized personnel only.

4. Fire Control

OAC Rule 3745-400-11(M) states, "the owner or operator shall have available at or near the facility, adequate fire control equipment, material, and services to control fire and explosion. The owner or operator shall act immediately to control or extinguish any fire." **The owner or operator of the Facility is in violation of OAC Rule 3745-400-11(M) for failure to have adequate fire control equipment and materials at or near the facility.** The notice of violation was cited due to the failure to have an operating water pump, adequate (length and quality) fire hose and a stockpile of non-combustible material on-site or readily available. Within thirty (30) days of receipt of this letter, please submit a fire control plan (Control Plan) that addresses this rule and implement the Control Plan within ninety (90) days. Implement means to purchase an adequately sized portable water pump, fire hose and stockpile non-combustible material).

5. Fire Prevention

OAC Rule 3745-400-11(H) states in pertinent part, "the owner or operator shall operate the facility in a manner that prevents fires by doing one of the following:

- (1) Covering all disposed combustible debris on a weekly basis with soil, clean hard fill, or other material which is noncombustible. For the purpose of this rule, covering means to apply noncombustible material in a manner such that combustible debris is not visible, or
- (2) Preparing and utilizing an alternate fire prevention plan acceptable to the licensing authority. The plan shall include the monthly application of noncombustible cover plus other method(s) to prevent fires.

The owner/operator currently operates under an alternate fire prevention plan approved by the licensing authority, Toledo-Lucas County Health Department. However, based on initial pictures of the fire area taken by Mike Gerber of Ohio EPA's Division of Environmental Response and Revitalization, a majority of the west slope and half of the north slope had no cover. Furthermore, Mr. Amjad stated that the fire area had not received debris in two or three months. **The owner/operator of the Facility is in violation of OAC Rule 3745-400-11(H) for failure to apply month cover as required by the alternate fire prevention plan.**

Since the owner/operators' alternate fire prevention plan approval has been revoked (See Toledo-Lucas County Health Department letter dated December 4, 2012), please immediately revert back to the placement of weekly cover. Cover means to apply noncombustible material in a manner such that combustible debris is not visible.

6. Leachate Management System

OAC Rule 3745-400-11(P) states in pertinent part, "the owner or operator shall operate and maintain the leachate collection system as follows:

- (1) The owner or operator shall operate the leachate collection system to maintain no more than one foot of head anywhere on the *in situ* and/or added geologic material or constructed liner with the exception of the sump area(s).
- (2) The owner or operator shall maintain the leachate collection system in such a manner as to prevent blockage or clogging that could impede the collection of leachate ...

In excess of one foot of head of leachate was present during and following the fire event. The owner/operator must immediately restart the leachate collection pumps and work to achieve the compliance level of less than one foot of head. As stated in comment #2, the leachate collection system must be recertified after the fire debris is removed from the ILDA.

Summary of Issues

1. No additional information is needed from the owner/operator.
2. A Fire Response Plan is required within 15 days of receipt of the letter.
3. A Site Access Plan is required within 30 days of receipt of the letter.
4. This comment documents a Notice of Violation for failure to have adequate fire control equipment and materials at or near the facility. A Fire Control Plan is required within 30 days of receipt of this letter and implementation is required within 90 days.
5. This comment documents a Notice of Violation for failure to apply month cover as required by the alternate fire prevention plan. The owner/operator is required to revert back to an application of non-combustible cover weekly, effective immediately.
6. Immediately restart and continue pumping the leachate collection system to maintain one foot of head.

Eventually an update Fire Contingency Plan will need to be submitted and approved by the Toledo-Lucas County Health Department. The Fire Contingency Plan should incorporate the fire response plan, site access plan, fire control plan and an alternate fire prevention plan if the owner/operator proposes to utilize monthly cover in the future. The Fire Contingency Plan should not be submitted until Ohio EPA and the Health Department have had an opportunity to review the aforementioned interim plans.

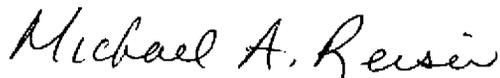
The owner/operator of the Stickney Recycling Construction and Demolition Debris Landfill needs to immediately take the necessary measures to return to compliance with Ohio's environmental laws. The owner/operator is requested to provide documentation to this office including the steps taken to abate the violations cited above. Documentation of steps taken to return to compliance includes written correspondence, updated policies, and photographs, as appropriate, and may be submitted via the postal service or electronically to mike.reiser@epa.ohio.gov.

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Please be advised that violations cited above will continue until the violations have been properly abated. Failure to comply with Chapter 3714 of the Ohio Revised Code and rules promulgated thereunder may result in a civil penalty of up to \$10,000 per day for each violation. It is imperative that you return to compliance. If circumstances delay the abatement of violations, the owner/operator is requested to submit written correspondence of the steps that will be taken by date certain to attain compliance.

If you have any questions, please contact me by telephone at (419) 373-3126 or by e-mail.

Sincerely,



Michael A. Reiser, RS
Environmental Supervisor
Division of Materials and Waste Management

/cg

pc: Jodi Vaughn, Toledo-Lucas County Health Department
File: DMWM/SW, Lucas County, SWIP CDD Landfill, Inspections

ec: Sue Hardy, DMWM, NWDO