



EPA

40 years and moving forward

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

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CERTIFIED 91 7108 2133 3932 1839 2795

FEBRUARY 19 2013

Mr. Wayne Willis
E-Town Landfill, Inc.
10978 Highway 50
North Bend, OH 45052

RE: Director's Final Findings & Orders – Notice of Violation

Dear Mr. Willis:

On November 7, 2012, the Director of the Ohio Environmental Protection Agency (Ohio EPA) issued Director's Final Findings and Orders ("Orders") to E-Town, Landfill Inc. ("Respondent") to conduct a ground water assessment to determine the concentration of any contaminants in ground water released from the Facility, and their extent and rate of migration within ground water within the timeframe specified in the Orders pursuant to Ohio Administrative Code (OAC) Rule 3745-400-10. The Orders were sent by certified mail to you, the owner and operator of the Facility, with service by certified mail received on November 10, 2012.

Within the Orders, the Director of Ohio EPA specified the timeframe for the implementation of the Ground Water Quality Assessment Plan.

Order 2b states:

"Not later than ninety (90) days after the effective date of these Orders, Respondent shall commence sampling of the background wells, MW-3 and MW-4, and the assessment wells MW-1, MW-2, MW-5, W-1S, W-2S and W-5S, and shall analyze the samples for all the parameters listed in the appendix of OAC Rule 3745-400-10, attached hereto and incorporated herein as Attachment 2, and other applicable requirements. Thereafter, Respondent shall sample, at least annually, all background and assessment wells, and shall analyze the samples for all the parameters listed in the appendix of OAC Rule 3745-400-10 and other applicable requirements.

Order 2d states:

Respondent shall notify Ohio EPA at least fifteen (15) days in advance of each sampling event conducted under these Orders and the Plan, and provide Ohio EPA the opportunity to collect split samples during each sampling event.

Respondent is in violation of Order Number 2b for failing to commence sampling of the background wells, MW-3 and MW-4, and the assessment wells MW-1, MW-2, MW-5, W-1S, W-2S and W-5S, and for failing to analyze the samples for all the parameters listed in the appendix of OAC Rule 3745-400-10 and other applicable requirements, not later than ninety (90) days after the effective date of the Orders issued on November 7, 2012.

As of February 13, 2013, Respondent has not commenced sampling as required by Order 2b. Also Ohio EPA has not received notification, as required by Order 2d, that a sampling event complying with the Orders will be conducted by Respondent.

Mr. Wayne Willis – E-town Landfill, Inc.
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E-Town Landfill, Inc. needs to immediately take the necessary measures to return to compliance with Ohio's environmental laws and the Orders issued on November 7, 2012. Within 14 days of receipt of this letter, E-Town Landfill, Inc. is requested to provide documentation to this office including the steps taken to abate the violation cited above. Documentation of steps taken to return to compliance may be submitted via the postal service or electronically to joe.goicochea@epa.ohio.gov.

Please be advised that the violation cited above will continue until the violation has 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, E-Town Landfill, Inc. 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 (614) 728-5349 or by email at joe.goicochea@epa.ohio.gov.

Sincerely,



Joe Goicochea
Supervisor, Compliance and Inspection Support
Division of Materials and Waste Management

JAG/sw

cc: Aaron Shear, DMWM, CO
Tracy Buchanan, DMWM, SWDO
Lindsay Taliaferro, DDAGW, CO
Janine Maney Ohio EPA, Legal
Michael Cyphert, Attorney for E-Town Landfill, Inc.
Thomas Jenkins, Eagon & Associates, Inc.
Chuck DeJohnkheere, Hamilton County Public Health