Ohio EPA
40 years and moving forward

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

November 9, 2012

RE: SUMMIT C&D DISPOSAL
JUNE-SEPTEMBER 2012 MONTHLY REPORTS
NOTICE OF VIOLATION

John R. Eslich
Summit C&D Disposal, Inc.
3525 Broadway Ave. NE
Louisville, Ohio 44641

CERTIFIED MAIL 7012 1010 0002 2260 2707

Patrick J. Loper II, P.E.
Bowser-Morner Associates, Inc.
4518 Taylorsville Road
P.O. Box 51
Dayton, Ohio 45401-0051

CERTIFIED MAIL 7012 1010 0002 2260 2714

Dear Mr. Eslich and Mr. Loper:

Ohio Environmental Protection Agency (Ohio EPA) reviewed documents regarding Summit C&D Disposal, Inc., from Bowser-Morner on behalf of Summit C&D Disposal, Inc. (Facility). The Facility is located at 1947 Wadsworth Road, Norton. This letter provides Ohio EPA's review results of the following monthly reports:

- June 2012, dated July 3, 2012, received July 5, 2012
- July 2012, dated August 6, 2012, received August 7, 2012
- August 2012, dated September 6, 2012, received September 7, 2012
- September 2012, dated October 4, 2012, received October 5, 2012

The documents were prepared by Bowser-Morner, Inc. on behalf of Summit C&D Disposal, Inc. The reports contain the site observations, construction progress, and detailed summaries of the leachate management records for June through September 2012. Monthly reports are required by Order 11 in the Unilateral Director's Final Findings & Orders (DFFOs), and the Final Revised 2012 License Terms and Conditions.

The Summit C & D Disposal, Inc. Landfill ground water monitoring program is regulated by the Construction and Demolition Debris Regulations (OAC 3745-400-10), effective August 31, 2002.

Violations

The Respondent was in violation of *Orders 10 and 11 of the Unilateral Director's Final Findings and Orders (DFFOs)* dated April 11, 2008, which require the Respondent to measure and document the actual quantity of leachate pumped in the monthly leachate

management reports from June 1, 2012 through September 6, 2012. As a result, the Respondent was also in violation of OAC Rule 3745-400-11(B)(1), for failing to maintain strict compliance with "any orders."

Between June 1, 2012 and September 6, 2012, the Respondent failed to record the actual quantity of leachate being pumped on a daily basis during working hours of the facility and report this information in the monthly leachate management reports as required by *Orders 10 and 11 of the DFFOs.* While the Respondent has included a "Note" at the end of each summary table for June, July, and August, indicating that a zero value indicates that not enough leachate was pumped to generate a full load to haul, this is still not documentation of the actual quantity of leachate pumped on those days, as required by the *DFFOs.* Ohio EPAs review of the subject documents, and in particular, the summary tables, revealed that the Respondent did not adequately document the actual quantity of leachate pumped from the leachate management system wells LW-6/LW-9 for 10 out of 21 working/operating days in June and July; 17 out of 23 working/operating days in August; and two out of three working/operating days in September. In essence, the Respondent did not record the actual quantity of leachate pumped from the leachate management system approximately 50% of the time or greater from June 1, 2012, through September 6, 2012.

However, the Respondent returned to compliance with *Orders 10 and 11 of the DFFOs* and OAC Rule 3745-400-11(B)(1) on September 7, 2012, when the Respondent began recording the actual quantity of leachate being pumped on a daily basis during working hours of the facility and reporting this information in the monthly leachate management reports as required by *Orders 10 and 11 of the DFFOs*.

If you have any technical questions regarding this review, please contact Mark Kroenke at (330) 963-1225. Please submit all correspondence to Dave Dysle, Division of Materials and Waste Management, Northeast District Office, Ohio EPA, 2110 East Aurora Road, Twinsburg, Ohio 44087.

Sincerely,

Dave Dysle

Dave Dysle
Environmental Specialist
Division of Materials and Waste Management

DD/cl

cc: Kelly Jeter, DMWM, CO
Mark Kroenke, DDAGW, NEDO
Robert Moormann, AGO
Allison Giancola, DMWM, NEDO
Robin Nichols, DMWM-Legal
Julie Brown, Summit County Public Health
Michael Cyphert, Walter & Haverfield LLP
Sowers/CONS/Summit C&D Disposal/COR/77
DMWM: #4267