



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

Re: Residual Waste Landfill
Groundwater
Notice of Violation

April 22, 2013

Mr. Andy Cvitkovich, Engineering Manager
United States Gypsum Company
Gypsum, Ohio 43433

Dear Mr. Cvitkovich:

The Ohio Environmental Protection Agency (Ohio EPA) performed a review of the U.S. Gypsum Company's (owner/operator) response to Ohio EPA's letter dated May 23, 2012, regarding the annual ground water detection sampling and assessment sampling results for the owner/operator's Residual Waste Landfill. The owner/operator has a Class III closed residual waste landfill that is located in Portage Township, Ottawa County, Ohio. The owner/operator is required to operate and close the facility according to the requirements of OAC Rule 3745-30, an approved Closure Plan, and the Director's Findings and Orders dated October 12, 1994. The "Response to Ohio EPA Comment Letter Dated May 23, 2012 Regarding the Groundwater Monitoring Program at the U.S. Gypsum Residual Waste Landfill" was received by the Ohio EPA Northwest District office on November 16, 2012.

Background

On September 28, 2012, Ohio EPA met with the owner/operator and their consultants (Hull & Associates, Inc.) to discuss Draft revisions to the facility's ground water quality assessment plan. During this meeting the owner/operator proposed moving forward with an approach to address the assessment areas by entering into a compliance monitoring program or a corrective measures program. On November 1, 2012, Ohio EPA met with Hull & Associates, Inc. (Hull) during a technical meeting to discuss additional geologic information compiled since the September 28, 2012, meeting. On February 19, 2013, Ohio EPA meet with the owner/operator and Hull to discuss ground water flow at the facility and the designation of upgradient/reference wells in order to move the assessment monitoring program forward into a compliance monitoring program or a corrective measures program. At the conclusion of the meeting it was apparent that continued discussions with the facility will be needed in order to move the facility forward and address the outstanding violations.

COMMENTS

Evaluation of Owner/Operator's Response to Previously Cited Violations

1. In a letter dated October 12, 2010 Ohio EPA initially cited the owner/operator in violation of Ohio Administrative Code (OAC) Rule 3745-30-08(E)(2) as the first determination of rate, extent and concentration of waste-derived constituents had not been submitted to Ohio EPA in the time frame specified in the submitted ground water quality assessment plan (GWQAP). This violation of OAC Rule 3745-30-08(E)(2) has been recited in previous Ohio EPA letters, most recently in the letter dated May 23, 2012. While this violation of OAC Rule 3745-30-08(E)(2) remains outstanding, Ohio EPA understands that the owner/operator has been in the process of addressing this violation. It is anticipated that this violation will be addressed once discussions with the owner/operator regarding moving the assessment program forward into a compliance monitoring program or a corrective measures program are complete.
2. In Ohio EPA's letter dated May 23, 2012 the owner/operator was cited in violation of OAC Rule 3745-30-08(E)(4) for failure to sample assessment wells for all constituents determined to have been released from the facility. Specifically, the owner/operator failed to sample for the constituents sulfide and 1,1-dichloroethane at assessment wells MW-7 and MW-8R. Based on the owner/operator's January 22, 2013, Report of Groundwater Quality for the November 7-10, 2012 sampling event the owner/operator has adequately addressed the May 23, 2013 violation and has returned to compliance regarding this issue.

On January 22, 2013, Ohio EPA received the owner/operator's Report of Groundwater Quality for the November 7-10, 2012 sampling event. During the November 2012 sampling event the owner/operator sampled assessment wells MW-7 and MW-8R for all indicator parameters and all constituents confirmed having concentrations above background levels as documented in the Ground Water Quality Assessment Plan dated April 2007.

3. The May 23, 2012, letter from Ohio EPA cited the owner/operator in violation of OAC Rule 3745-30-08(D)(10) as the owner/operator did not sample MW-1 and MW-3 for those parameters listed in Appendix II of OAC Rule 3745-30-08 after determining two consecutive statistical significant increases at each well location. While this violation of OAC Rule 3745-30-08(D)(10) remains outstanding, Ohio EPA understands that the owner/operator is in discussions with Ohio EPA regarding this violation.

Mr. Andy Cvitkovich
April 22, 2013
Page 3

It is believed that this violation will be addressed once discussions with the owner/operator regarding moving the assessment program forward into a compliance monitoring program or a corrective measures program are complete.

On February 19, 2013 Ohio EPA met with the owner/operator to discuss ground water flow at the facility and the designation of upgradient/reference well locations. The owner/operator stated they believe that MW-1 and MW-3 are upgradient monitoring wells and that any statistical exceedances identified for ground water in the vicinity of these monitoring wells are not attributed to the landfill. Ohio EPA maintained that due to the unique hydrogeologic conditions beneath the facility (extensive mining and connection to Sandusky Bay), the historical ground water flow direction beneath the facility has varied, and MW-1 and MW-3 have been downgradient of the limits of waste placement at some points in time. At the conclusion of the meeting it was apparent that continued discussions with the owner/operator will be needed in order to move the facility forward.

If the owner/operator has any questions, please contact Chad Zajkowski, Division of Drinking and Ground Waters, Northwest District Office, Ohio EPA, at (419) 373-3097. All submittals should be sent to Tyler Madeker, Division of Materials and Waste Management, Northwest District Office, Ohio EPA, 347 North Dunbridge Road, Bowling Green, Ohio, 43402.

Sincerely,



Tyler Madeker, R.S.
Environmental Specialist
Division of Materials and Waste Management

/cg

pc: William Petruzzi, Hull & Associates, Inc.
File: DMWM-SW, Ottawa County, US Gypsum, Groundwater

ec: Habib Kaake, DMWM-NWDO
Mike Reiser, DMWM-NWDO
Chad Zajkowski, DDAGW-NWDO
Ken Brock, DDAGW-NWDO
id: 5-12022

Department:

Subdepartment:

DMWM

<NONE>

Program:

DMWM - Municipal Solid Waste Landfills

Office Location:

Medium:

NWDO

LAND

Doc Type:

Doc Subtype:

NOV

<NONE>

Facility County:

Facility ID:

86 - WILLIAMS

Date:

4/17/2013

Facility/Site/Location/Regulated Entity Name:

Lori Wilson

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Facility Address 1:

10609 County Road 12-30

Your input is 23 characters long (Max 40).

Facility Address 2:

Your input is 0 characters long (Max 40).

Facility City:

Montpelier

Facility State:

Facility ZIP: (00000 or 00000-0000)

OH

01543

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Mailing Address 2:

Your input is 0 characters long (Max 40).

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Mailing State/Province:

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Project Name:

Project Type:

Latitude:

Longitude:



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

Re: Notice of Violation
10609 County Road 12-30 Montpelier
Williams County
Open Dumping – Case #12-42

April 17, 2013

Ms. Lori Wilson
10609 County Road 12-30
Montpelier, Ohio 43543

Dear Ms. Wilson:

On August 13, 2012, the Ohio Environmental Protection Agency (Ohio EPA), Northwest District Office (NWDO) received a complaint regarding the property that is owned by you, at 10609 County Road 12-30, Montpelier, Ohio, Williams County (Site). The Site is identified as Parcel # 072-130-00-004.001 by the Williams County Auditor. The complainant alleged that trash is in piles, pushed into a swamp behind the property, and/or buried on the Site.

On September 7, 2012, Ohio EPA initially visited the Site to investigate the complaint, but was unable to determine if open dumping was occurring due to the overgrowth of grass. On April 1, 2013, I, along with Mr. Jeremy Scoles representing Ohio EPA conducted a follow up investigation of the Site. You were present at the end of the investigation.

During the investigation I observed a pile of solid waste, construction and demolition debris, and materials scattered in different areas on the Site (See enclosed pictures). At the end of the inspection you stated that you have taken two loads from the property to Northwest Recycling. Two receipts dated October 17, 2012, and October 18, 2012 were provided. You were made aware that the materials observed on the Site still need to be taken care of and it is your responsibility to ensure the Site is properly cleaned up.

SOLID WASTE:

Solid waste is defined in Ohio Administrative Code (OAC) Rule 3745-27-01(S)(23) as (in pertinent part):

"Solid waste" means such unwanted residual solid or semisolid material, including but not limited to, garbage, scrap tires, combustible and noncombustible material, street dirt and debris, as results from industrial, commercial, agricultural, and community operations, excluding earth or material from construction, mining, or demolition operations, or other waste materials of the type that normally would be included in demolition debris, nontoxic fly ash and bottom ash, . . . , and includes, but is not limited to, garbage, scrap tires, combustible and noncombustible material, street dirt, and debris. Solid waste does not include any material that is an infectious waste or a hazardous waste.

For placing solid waste on the ground, the property owner of this Site is in violation of the following rules and laws:

1. **OAC Rule 3745-27-05(C):**

No person shall conduct, permit, or allow open dumping. In the event that open dumping is occurring or has occurred at a property, the person(s) responsible for the open dumping, the owner of the property, or the person(s) who allow or allowed open dumping to occur, shall promptly remove and dispose or otherwise manage the solid waste in accordance with Chapter 3734 of the Revised Code, and shall submit verification that the solid waste has been properly managed.

Open dumping is defined in OAC Rule 3745-27-01(O)(4) as (in pertinent part):

"Open dumping" means the following: (a) The deposition of solid wastes, other than scrap tires, into waters of the state, and also means the final deposition of solid wastes on or into the ground at any place other than a solid waste facility operated in accordance with Chapter 3734 of the Revised Code, and Chapters 3745-27, 3745-29, 3745-30, and 3745-37 of the Administrative Code.

2. **Ohio Revised Code (ORC) Chapter 3734.03** (in pertinent part):

No person shall dispose of solid waste by open burning or open dumping,...

These violations will continue until all solid waste open dumped at this site is removed and properly disposed at a solid waste facility.

CONSTRUCTION AND DEMOLITION DEBRIS:

Construction and demolition debris is defined in OAC Rule 3745-400-01(F) as (in pertinent part):

"Construction and demolition debris" or "debris" means those materials resulting from the alteration, construction, destruction, rehabilitation, or repair of any manmade physical structure, including, without limitation, houses, buildings, industrial or commercial facilities, or roadways. . . .

For the purpose of this definition, "materials resulting from the alteration, construction, destruction, rehabilitation, or repair of any manmade physical structure," are those structural and functional materials comprising the structure and surrounding site improvements, such as brick, concrete and other masonry materials, stone, glass, wall coverings, plaster, drywall, framing and finishing lumber, roofing materials, plumbing fixtures, heating equipment, electrical wiring and components containing no hazardous fluids or refrigerants, insulation, wall-to-wall carpeting, asphaltic substances, metals incidental to any of the above, and weathered railroad ties and utility poles. . . .

Ms. Lori Wilson
April 17, 2013
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For placing C&DD on the ground, the property owner of this Site is in violation of the following rules and laws:

1. **OAC 3745-400-04(B)**:

No person shall conduct or allow illegal disposal of construction and demolition debris, as defined in rule 3745-400-01 of the Administrative Code.

Illegal Disposal is defined in OAC 3745-400-01(S) as:

"Illegal disposal" means the disposal of construction and demolition debris at any place other than a construction and demolition debris disposal facility operated in accordance with Chapter 3714 of the Revised Code, and Chapters 3745-400 and 3745-37 of the Administrative Code, a solid waste disposal facility operated in accordance with Chapter 3745-27 of the Administrative Code, and licensed in accordance with Chapter 3745-37 of the Administrative Code, or as otherwise authorized by this Chapter.

These violations will continue until all C&DD illegally disposed at this site is removed and properly disposed at a solid waste or C&DD facility.

Open dumping and illegal disposal must stop, and correction of the above violations must start immediately. Ensure all solid waste and C&DD is collected and properly disposed. Within 14 days of receipt of this letter, you are 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 disposal receipts, and photographs, as appropriate, and may be submitted via the postal service (347 North Dunbridge Road Bowling Green, Ohio 43402) or electronically to kristin.tillison@epa.state.oh.us.

Please be advised that violations cited above will continue until the violations have been properly abated. Failure to comply with Chapter 3734 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, you are requested to submit written correspondence of the steps that will be taken by date certain to attain compliance.

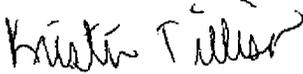
This correspondence addressed specific observations only for the areas of the property that were inspected. Nothing present in, nor absent from this correspondence is intended to mean that no other violations existed at the property at the time of inspection.

Compliance with the requirements outlined in this letter, the solid and infectious waste, or construction and demolition debris provisions contained in the Ohio Revised Code Chapter 3734 or 3714 and the rules promulgated thereunder, does not relieve you from your obligations to comply with other applicable state and federal laws and regulations.

Ms. Lori Wilson
April 17, 2013
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If you have any questions feel free to contact me at 419-373-3064.

Sincerely,

Handwritten signature of Kristin Tillison in cursive.

Kristin Tillison, RS
Environmental Specialist II
Division Materials and Waste Management

/cg

Enclosure

pc: File: DMWM-SW, Williams County, Dump Sites
Steve Long, Williams County Health Department

ec: Jeremy Scoles, Ohio EPA

Department: DMWM	Subdepartment: <NONE>
Program: DMWM - Residual Solid Waste Landfills	
Office Location: NWDO	Medium: LAND
Doc Type: NOV	Doc Subtype: <NONE>
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Date: 4/22/2013	
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Facility Address 2: Your input is 0 characters long (Max 40).	
Facility City: Gypsum	
Facility State: OH	Facility ZIP: (00000 or 00000-0000) 43433
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Mailing Address 1: Your input is 0 characters long (Max 40).	
Mailing Address 2: Your input is 0 characters long (Max 40).	
Mailing City: Your input is 0 characters long (Max 40).	
Mailing State/Province: <NONE>	Mailing ZIP: (00000 or 00000-0000 or XXXXX)
Project Name: 	Project Type:
Latitude: 	Longitude:



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

April 22, 2013

Re: Residual Waste Landfill
Groundwater
Notice of Violation

Mr. Andy Cvitkovich, Engineering Manager
United States Gypsum Company
Gypsum, Ohio 43433

Dear Mr. Cvitkovich:

The Ohio Environmental Protection Agency (Ohio EPA) performed a review of the June 20-21, 2012, semi-annual ground water assessment sampling results for the U.S. Gypsum Company's (owner/operator) Residual Waste Landfill. The owner/operator has a class III closed residual waste landfill that is located in Portage Township, Ottawa County, Ohio. The owner/operator is required to operate and close the facility according to the requirements of OAC Rule 3745-30, an approved Closure Plan, and the Director's Findings and Orders dated October 12, 1994. The "Submittal of Sampling and Analysis Results for Semi-annual Sampling Event for the Groundwater Assessment Monitoring Program at the U.S. Gypsum Company Residual waste Landfill" was received by the Ohio EPA Northwest District office on September 4, 2012.

Background

During the June 20-21, 2012, assessment sampling event the owner/operator conducted assessment sampling monitoring for wells MW-4, 5, 7, 8R, 11, 12, 13, and 14. The owner/operator also performed additional assessment sampling activities at wells P-1 through P-7. Monitoring wells MW-1 and MW-3 have had two consecutive statistically significant increases for the indicator parameters temperature and chloride, respectively, and should also be considered assessment wells. This issue was brought to the owner/operator's attention in an Ohio EPA letter dated May 23, 2012.

On February 19, 2013, Ohio EPA met with the owner/operator and their consultant (Hull & Associates Inc.) to discuss ground water flow at the facility and the designation of upgradient/reference wells in order to move the assessment monitoring program forward into a compliance monitoring program or a corrective measures program. At the conclusion of the meeting it was apparent that continued discussions with the facility will be needed in order to move the facility forward. It is anticipated that the outstanding violations identified below will be addressed through this process of moving the facility forward into a compliance monitoring program or a corrective measures program.

COMMENTS

Evaluation of Previously Cited Violations

- 1. The U.S Gypsum Company (owner/operator) continues to be in violation of Ohio Administrative Code (OAC) Rule 3745-30-08(E)(2), requiring a written report containing the determination of the concentration and rate and extent of migration of the waste-derived constituents in the ground water be submitted to Ohio EPA in the time frame specified in the ground water quality assessment plan.**

While this violation of OAC Rule 3745-30-08(E)(2) remains outstanding, Ohio EPA understands that the owner/operator has been in the process of addressing this violation. It is anticipated that this violation will be addressed once discussions with the owner/operator regarding moving the assessment program forward into a compliance monitoring program or a corrective measures program are complete.

The owner/operator did not submit the first determination of the concentration and rate and extent by the timeframe detailed on Table 15 of the April 2007 ground water quality assessment plan (i.e., December 2009). The initial violation, stated above, was issued to the owner/operator in a letter dated October 12, 2010.

- 2. The owner/operator continues to be in violation of OAC Rule 3745-30-08(D)(10) requiring that within fifteen days of notifying Ohio EPA of two consecutive statistical significant increases per OAC Rule 3745-30-08(D), that the owner/operator sample and analyze the affected well(s) for those parameters listed in Appendix II of OAC Rule 3745-30-08. The details of this violation were discussed in Ohio EPA's letter dated May 23, 2012. As stated in the May 23, 2012, letter, in order to return to compliance with the requirements of OAC Rule 3745-30-08(D)(10) the owner/operator needs to sample MW-1 and MW-3 and analyze the samples for those parameters listed in Appendix II of OAC Rule 3745-30-08. While this violation of OAC Rule 3745-30-08(D)(10) remains outstanding, Ohio EPA understands that the owner/operator has been in the process of discussing this violation with Ohio EPA. It is anticipated that this violation will be addressed once discussions with the owner/operator regarding moving the assessment program forward into a compliance monitoring program or a corrective measures program are complete.**

During the June 20-21, 2012, assessment sampling event the owner/operator did not sample MW-1 or MW-3 for the parameters listed in Appendix II of OAC Rule 3745-30-08. In a letter dated November 14, 2012, the owner/operator stated they believe MW-1 and MW-3 are upgradient well locations and that any statistical exceedances identified for ground water in the vicinity of these monitoring wells are not attributed to the landfill. The owner/operator also stated they intended to submit an Alternate Source Demonstration (ASD) to Ohio EPA for MW-1 and MW-3; however, in a February 19, 2013, meeting the owner/operator stated that an ASD for MW-1 and MW-3 would not be provided.

Statements

- 3. Ohio EPA does not agree with the owner/operator's statement that wells MW-1, MW-2, MW-3, MW-14, and P-1 are appropriate to be designated as upgradient wells to be used to establish background ground water quality.**

On February 19, 2013, Ohio EPA met with the owner/operator and their consultant (Hull & Associates, Inc.) to discuss the designation of upgradient well locations to be used to establish background in order to determine the concentration and rate and extent of contamination at the facility. During the meeting Ohio EPA disagreed with Hull & Associates, Inc's proposed background/reference well locations P-1, MW-3 and MW-14.

This disagreement was based on the fact that assessment well P-1 was installed in a significant zone of saturation, not the uppermost aquifer system; assessment well MW-14 is affected, having significant increases in chloride concentrations during the November 10, 2011, (416 mg/l) and June 21, 2012 (327 mg/l) assessment sampling events; and monitoring well MW-3 should currently be in assessment after having two consecutive statistically significant increases of chloride. It was also noted by Ohio EPA that MW-1 should be in assessment after having two consecutive statistically significant increases for temperature.

Hull & Associates Inc. argued that MW-1, MW-3, and MW-14 are currently upgradient of the limits of waste placement. Ohio EPA maintained that due to unique hydrogeologic conditions beneath the facility (extensive mining operations and connection to Sandusky Bay), the historical ground water flow direction beneath the facility has varied, and MW-1, MW-3, and MW-14 have been downgradient of the limits of waste placement at some points in time. At the conclusion of the meeting no resolution occurred regarding designating upgradient/background well locations.

4. Ohio EPA does not agree with the owner/operator's description of ground water flow within the uppermost aquifer system beneath the facility.

Assessment wells P-1, P-2, and P-3 are not installed in the uppermost aquifer system and should not be included when constructing the potentiometric map for the uppermost aquifer system.

If the owner/operator has any questions, please contact Chad Zajkowski, Division of Drinking and Ground Waters, Northwest District Office, Ohio EPA, at (419) 373-3097. All submittals should be sent to Tyler Madeker, Division of Materials and Waste Management, Northwest District Office, Ohio EPA, 347 North Dunbridge Road, Bowling Green, Ohio, 43402.

Sincerely,



Tyler Madeker, R.S.
Environmental Specialist
Division of Materials and Waste Management

/cg

pc: William Petruzzi, Hull & Associates, Inc.
File: DMWM-SW, Ottawa County, US Gypsum, Groundwater

ec: Habib Kaake, DMWM-NWDO
Mike Reiser, DMWM-NWDO
Chad Zajkowski, DDAGW-NWDO
Ken Brock, DDAGW-NWDO
id: 5-11828