



**Environmental  
Protection Agency**

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

July 8, 2013

Mr. Matt Mullins  
Senior Environmental/Safety Specialist  
Office of Environmental Quality  
805 Central Avenue, Suite 320  
Cincinnati, Ohio 43202

**RE: Center Hill Landfill, Hamilton County  
Notice of Violation**

Dear Mr. Mullins:

On June 24, 2013, as a representative of Ohio EPA's Division of Materials and Waste Management, I met with you to inspect the explosive gas extraction wells and observe the explosive gas extraction system expansion construction activities at the Center Hill Landfill (Facility). This inspection was conducted to determine compliance with Ohio Administrative Code (OAC) Rule 3745-27-13 approval dated June 10, 2013. We were accompanied by Sara Gus and Jason Condry of Keramida Consulting.

The city of Cincinnati has been accepting clean, hard-fill material to raise the elevation and improve the cap of the existing landfill for future development pursuant to the OAC Rule 3745-27-13, approval dated August 1, 2011. The Center Hill Landfill is divided by a roadway and each side has its own designation: 1) South Center Hill, former incinerator side which is located on the banks of Mill Creek; and 2) North Center Hill, flare side which is located next to the closed ELDA Landfill. According to Ohio EPA's records the Nelson Stark Company is currently leasing the North Center Hill portion of the landfill and has been placing clean hard-fill material on the Facility under the August 1, 2011 authorization.

The following observations were noted and discussed during this inspection and were also documented with photographs:

**VIOLATIONS**

1. The Nelson Stark Company has constructed a fire pit on top of the Facility and burned miscellaneous solid wastes including but not limited to: food containers, aluminum cans, and food waste. Evidence of these wastes was found in the fire pit (See Figures 1 & 2).

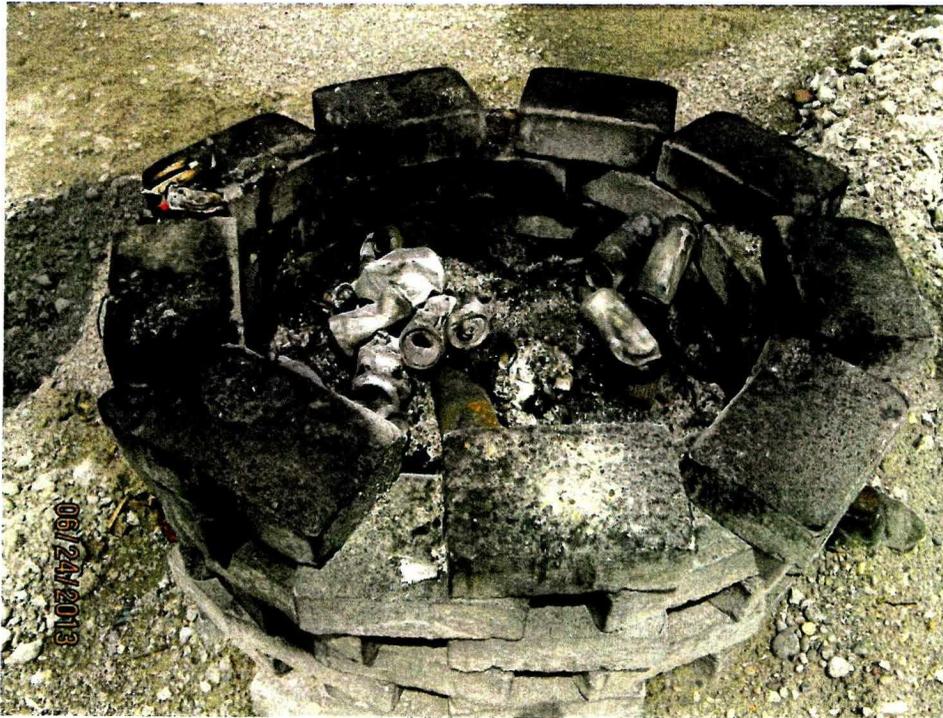


Figure 1: Burn pit with solid wastes



Figure 2: Burn pit with solid wastes

Disposal of solid waste in an unlicensed solid waste facility constitutes open dumping and open burning of solid waste at the Facility is a violation of the following solid waste laws and regulations:

- The open dumping and open burning of solid wastes observed at the Facility is a violation of Ohio Revised Code (ORC) Section 3734.03, which states in part:

*"No person shall dispose of solid wastes...by open burning or open dumping..."*

- Open Dumping is also a violation of OAC Rule 3745-27-05(C), which states in part:

*"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".*

- The above violations of the ORC and the OAC constitute a violation of ORC 3734.11(A), which states:

*"No person shall violate any section of this chapter, any rule adopted under it, or any order issued under section 3734.13 of the Revised Code."*

## OBSERVATIONS

2. During this inspection, extraction Well Number Five could not be found as the orange barrel marking the location had been moved, and the extraction well had been covered by clean hard-fill material from activities by the Nelson Stark Company. Additionally, fill material and brush have made it difficult to get to the extraction wells for inspection and routine maintenance. As discussed, the fill material needs to be pulled away from the extraction well to enable inspection and routine maintenance. Please ensure there is a clear path to enable your monitoring, inspection and routine maintenance of the explosive gas extraction system. Clearing this area will also allow Ohio EPA and Cincinnati Health Department to conduct their inspections.
3. There was mulch in and around the cutoff valve for extraction Well Three. Additionally, the lid for the well was open at the time of inspection. Please remove the mulch from the area around the cutoff valve and create an isolation barrier between the mulch piles and the explosive extraction wells that will prevent mulch from covering the wells (See Figures 3 and 4).



Figure 3: Mulch around the cut-off valve at extraction well

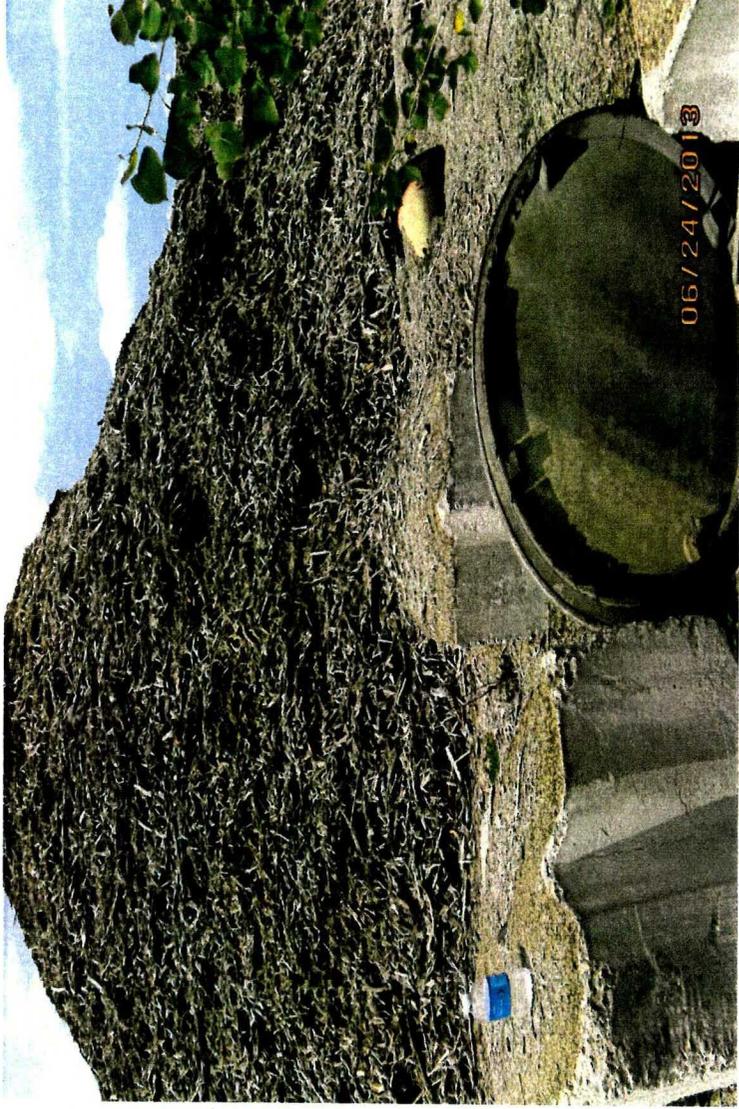


Figure 4: Mulch pile on the west side of the extraction well

**As such, acceptance of material, burning and disposal of material on the property must cease immediately and corrections of the violations cited herein are expected to begin immediately.** This letter serves to inform you that solid wastes on your property must be removed for proper disposal at a licensed municipal sanitary landfill.

- **Receipts documenting proper disposal must be submitted to Ohio EPA, Southwest District Office, Division of Materials and Waste Management at the letterhead address.**
- **A re-inspection will be scheduled to verify that the clean-up is complete to document your return to compliance with Ohio Law.**

Please respond in writing within seven (7) days of receipt of this correspondence regarding your remedy and implementation schedule in regards to the aforementioned violations.

Nothing in this letter shall be construed to authorize any waiver from the requirements of any applicable state or federal laws or regulations. This letter shall not be interpreted to release the owner or operator, or others, from responsibility under Chapters 3704, 3714, 3734, or 6111 of the Ohio Revised Code or under the Federal Clean Water Act, Resource Conservation and Recovery Act, or Comprehensive Environmental Response, Compensation, and Liability Act for remedying conditions resulting from any release of contaminants to the environment.

If you have any questions, please feel free to contact me at (937) 285-6046.

Sincerely,



Maria Lammers, R.S.  
Environmental Specialist II  
Division of Materials and Waste Management

ML/tb

cc: Rick Thornburg, Cincinnati Health Department  
Mark Stark, Nelson Stark Company