



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

August 14, 2013

**RE: LAKE COUNTY SWF
ANNUAL REPORT
NOTICE OF VIOLATION**

Richard L. Martin, Executive Director
Lake County Department of Utilities
Lake County Administration Center
105 Main Street, P.O. Box 490
Painesville, OH 44077-0490

Mr. Doug Bradley
Lake County Department of Utilities
Lake County Administration Center
105 Main Street, P.O. Box 490
Painesville, OH 44077-0490

Dear Mr. Martin and Mr. Bradley:

It has come to my attention that the notice of violation letter, dated August 2, 2013, contains errors in the rule citations. The letter cites OAC 3745-27-14 instead of OAC 3745-27-19 in item numbers 3, 4, 5, and 6. I have corrected the citations below to replace the August 2, 2013 notice of violation.

The Ohio Environmental Protection Agency (Ohio EPA) has reviewed the 2008 through 2012 Facility Annual Operational Reports (annual reports) for the Lake County Solid Waste Facility (LCSWF). Ohio EPA received the annual reports for 2008 through 2012 on March 23, 2009, March 18, 2010, March 31, 2011, March 29, 2012 and March 28, 2013.

Ohio EPA has identified the following violations of Ohio Administrative Code (OAC):

1. **OAC 3745-27-19(M)(6):** *‘The most recent updated closure cost estimate, post-closure care cost estimate, and if applicable, corrective measures cost estimate, adjusted for inflation and for any change in closure cost estimate, post-closure care cost estimate, or corrective measures cost estimate required by rules 3745-27-15, 3745-27-16, and 3745-27-18 of the Administrative Code.’*

OAC 3745-27-15 and 3745-27-16 require that the financial assurance instrument contain an itemized written estimate, in current dollars, of the cost for a third party to complete closure and post-closure care of the facility. The 2008 through 2012 annual reports contain an itemized cost estimate for closure and post-closure care of the facility, however, the estimates do not address the possibility that a third party may be

Richard L. Martin, Executive Director
Mr. Doug Bradley
Lake County Department of Utilities
August 14, 2013
Page 2

required to complete closure using soils that are not available on site. Sufficient on-site soils are not depicted on the plan drawings in the annual report, and the drawing does not contain a note explaining the mechanism by which soil would be purchased or otherwise made available to a third party to cover the landfill.

The 2012 annual report contains an estimate of \$23,294,626.00 for closure and post closure care. At a minimum an additional line item should be added for purchasing soil (or otherwise acquiring soil from an alternate location) in addition to soil that may already be stored on site.

Please submit updated closure and post closure care cost estimates for review. The estimates must reflect the cost for a third party to complete closure and post-closure care of the facility.

2. **OAC 3745-27-19(M)**: *“The “Annual Operational Report” shall include, at a minimum, the following information summarizing the previous calendar year’s operation: (1) A topographic map of all units of the sanitary landfill facility, certified by a professional skilled in the appropriate disciplines, with updated contour lines on the plan drawing containing information specified in rule 3745-27-06 of the Administrative Code. The owner or operator shall identify the following: (e)The current working phase and unit.”*

The current working phase and unit were not properly identified on the 2008 through 2011 annual report plan drawings. The 2012 annual report includes the required information specified in rule. Please provide the required information in future annual reports.

3. **OAC 3745-27-19(M)(1)(i)**: *“A comparison of the actual vertical and horizontal limits of emplaced waste to the vertical and horizontal limits of waste placement authorized in the applicable authorizing document(s), including an approved permit(s) to install, plan approval, or operational report. If emplaced waste exceeds the limits of vertical and horizontal waste placement authorized in the applicable authorizing document(s), this comparison shall include a topographic map which delineates the areal extent of emplaced waste that exceeds approved limits specified in such authorizing documents. In addition, the topographic map shall contain notes that indicate the following information for waste exceeding authorized limits of waste placement: the maximum estimated volume, the maximum depth, and the average depth.”*

The emplaced waste exceeds the limits of waste placement authorized in the permit to install (PTI). The 2008 through 2012 annual report topographic maps depict a 16,000 cubic yard area in C4 Phase 3 where the vertical limits of waste placement exceed the limits of waste placement approved in the PTI. Additionally, the topographic maps do

Richard L. Martin, Executive Director
Mr. Doug Bradley
Lake County Department of Utilities
August 14, 2013
Page 3

not depict or contain notes that indicate the maximum estimated volume, the maximum depth, and the average depth of the waste exceeding authorized limits on the northern and eastern areas of the waste placement area.

Please submit a topographic map which provides the aforementioned information.

4. **OAC 3745-27-19(B)(2):** *“The owner or operator shall conduct all construction and operation at a sanitary landfill facility in strict compliance with the applicable authorizing document, including permit to install...”*

The emplaced waste exceeds the limits of waste placement authorized in the permit to install (PTI). The 2008 through 2012 annual report topographic maps depict a 16,000 cubic yard area in C4 Phase 3 where the vertical limits of waste placement exceed the limits of waste placement in the approved PTI. Other areas where limits have been exceeded may also be present, however, an updated comparison at the appropriate scale and contour interval must be conducted (see Violation #5).

Please explain the steps that will be taken to return to compliance with the waste limits approved in the PTI.

5. **OAC 3745-27-19(M)(1):** *“ A topographic map of the solid waste landfill facility, certified by a professional skilled in the appropriate discipline(s), with updated contour lines on the plan drawing containing information specified in rule 3745-27 of the Administrative Code. The scale and contour interval shall be consistent with the approved plans. At a minimum, the owner or operator shall identify the following:”*

The scales and contour intervals on the 2008 through 2012 topographic maps are not consistent with the approved PTI. The topographic maps must clearly delineate and label the contour lines in minimum five foot intervals.

Please submit a revised topographic map. Use the scale and contour interval consistent with the approved PTI.

Ohio EPA has the following comment concerning the annual reports.

6. **OAC 3745-27-19(M)(1)(h):** *On-site borrow areas and cover material stockpiles.*

The 2008 through 2012 topographic maps do not contain information regarding adequate on site borrow areas for cohesive capping soils. Cover material stockpiles are depicted on all the plan drawings on the south side of the waste placement area, however, there appears to be insufficient soil at the borrow areas to apply required

Richard L. Martin, Executive Director
Mr. Doug Bradley
Lake County Department of Utilities
August 14, 2013
Page 4

cover upon closure. Ohio EPA recommends future drawings include a note/reference to the location of cover material that will be used to apply final cover at the landfill.

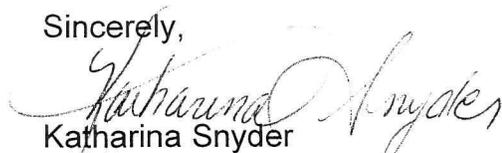
The Lake County Department of Utilities needs to immediately take the necessary measures to return to compliance with Ohio's environmental laws. Within 14 days of receipt of this letter, the Lake County Department of Utilities is requested to provide the above mentioned documentation to this office including any other 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 katharina.snyder@epa.ohio.gov.

Please be advised that violations cited above will continue until the violations have been properly abated. Failure to comply with Chapter 3734 (or 3714 for C&DD) 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 Lake County Department of Utilities is requested to submit written correspondence of the steps that will be taken by date certain to attain compliance.

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 Entity from responsibility under Chapters 3704, 3714, 3734, or 6111 of the Ohio Revised Code or under the Federal Clean Water or Comprehensive Environmental Response, Compensation, and Liability Acts for remedying conditions resulting from any release of contaminants to the environment.

If you have any questions, please contact me by telephone at (330) 963-1257, or by e-mail at katharina.snyder@epa.ohio.gov.

Sincerely,



Katharina Snyder
Environmental Specialist
Division of Materials and Waste Management

cc: Laura Kramer Kuns, Lake County General Health District
Chris Loxterman, Lake County General Health District
File: [Singh/LAND/ Lake County Solid Waste Facility Landfill/43]