



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

August 23, 2013

**RE: LAKE COUNTY RECYCLING & DISPOSAL  
NOTICE OF VIOLATION**

Tim Haaf  
Waste Management  
Lake County Recycling and Disposal Facility  
851 Robinson Road East  
Erie, PA 16509

Dear Mr. Haaf:

The Ohio Environmental Protection Agency (Ohio EPA) has completed a review of the 2008, 2009, 2010, 2011, and 2012 Facility Annual Operational Reports for the Lake County Recycling and Disposal Facility (RDF) Landfill. The annual reports were received on March 31, 2009, March 29, 2010, March 31, 2011, March 29, 2012, and March 28, 2013, respectively. The annual reports were reviewed to determine compliance with Ohio Administrative Code (OAC) 3745-27-14 and OAC 3745-27-16. Ohio EPA has identified the following violations.

1. **OAC 3745-27-16(D)(1):** *“The owner or operator of a sanitary landfill facility shall annually review and analyze the post-closure care cost estimate and shall make any appropriate revisions to these estimates and to the financial assurance instrument whenever a change in the post-closure care activities increases the cost of post-closure care. Any revised post-closure care cost estimate must be adjusted for inflation as specified in paragraph (D)(2) of this rule.”*

The 2008, 2009, 2010, 2011, and 2012 annual reports do not contain itemized cost estimates analyzed for existing post-closure care activities at the facility. The estimates, dated March 6, 1992, do not provide adequate funding for leachate disposal, or decommissioning of any wells during the post-closure care period. Additionally, the ground water estimate does not provide adequate funding for monitoring wells that are currently in assessment.

Please submit an updated post-closure care cost estimate for review. The estimate must reflect the cost for a third party to conduct post-closure care of the facility.

2. **OAC 3745-27-16(C):** *“The post-closure care financial assurance instrument shall contain an itemized written estimate, in current dollars, of the cost of post-closure care for the sanitary landfill facility in accordance with rule 3745-27-14, 3745-29-14, or 3745-30-10 of the Administrative Code, as applicable, or for a scrap tire*

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*monofill facility in accordance with rule 3745-27-74 of the Administrative Code. The estimate shall be based on a third party conducting the post-closure care activities. Ohio EPA may review, approve, and/or require revisions to the post-closure care cost estimate and/or to the post-closure care financial assurance instrument.”*

The 2008, 2009, 2010, 2011, and 2012 annual reports contain financial assurance information that is outdated for the year each report was submitted. For example, the 2012 annual report contains an insurance certificate with an effective date of April 17, 1995 (Renewal period 4/17/11 – 4/17/12) signed by Donna L. Meals on March 24, 2011.

Please provide an updated insurance certificate that contains an itemized written estimate of the cost of post-closure care based on a third party conducting the post-closure care activities. The estimate should be based upon actual and projected leachate production at the site, and should also address gas and ground water well maintenance and sampling activities.

Ohio EPA has the following comments:

1. The 2012 annual report was submitted to Dennis Bush. All future reports should be submitted to Katharina Snyder, DMWM-NEDO.

Waste Management, Inc. needs to immediately take the necessary measures to return to compliance with Ohio's environmental laws. Within 14 days of receipt of this letter, Waste Management, Inc. is 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 written correspondence, updated policies, and photographs, as appropriate, and may be submitted via the postal service or electronically to [katharina.snyder@epa.ohio.gov](mailto: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, Waste Management, Inc. is requested to submit written correspondence of the steps that will be taken by date certain to attain compliance.

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

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.

Sincerely,



Katharina Snyder  
Division of Materials and Waste Management

KS:cl

cc: Laura Kramer Kuns, Lake County General Health District  
Chris Loxterman, Lake County General Health District  
File: [Singh/LAND/LAKE CO RDF/ANN/43]  
DMWM #s 4995, 4392, 3931, 3202, 2446