



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

August 29, 2013

CERTIFIED MAIL

Mr. Randy Gilbert, Sanitary Engineer  
4499 U.S. Rt. 127 South  
Eaton, Ohio 45320

**RE: Preble County Landfill, Preble County  
Notice of Violation**

Dear Mr. Gilbert:

On August 2, 2013, you notified me by a voice mail that the Preble County Landfill (Facility) had experienced a leachate pump station failure. The failure was first identified on July 29, 2013. On August 6, 2013, you and I discussed the situation during a phone call. You stated that approximately 15 feet of leachate had been removed from the landfill and that 10 to 12 feet of leachate remained within the limits of waste placement. Written information detailing the leachate pump station failure was received by Ohio EPA, Division of Materials and Waste Management (DMWM), Southwest District Office (SWDO) on August 9, 2013. As a result of the leachate pump station failure the Facility is in violation of the following:

**Violations**

1. Storage of leachate within the landfill at a level exceeding the maximum allowable depth of twelve inches is a violation of Ohio Administrative Code (OAC) Rule 3745-27-08(C)(3)(c) which states in part:

*The leachate collection and management system shall be designed to limit the level of leachate in areas other than the sumps to a maximum of one foot throughout the operation and post closure of the facility.*

In an August 13, 2013, email you identify that a submersible pump controlled by floats has maintained leachate levels in the wet well at design levels since August 8, 2013. It is our expectation that the leachate volume totals be inspected at least daily by the Facility staff and documented as well as the volume of leachate pumped and/or hauled off-site (as required by OAC 3745-27-19 (E)(11)).

2. Furthermore, this is a violation of the PTI number 05-14417 (issued May 26, 2009), Binder 1, Section OAC 3745-27-08, which states, *The leachate collection and management system has been designed to limit the level of leachate to less than one foot on the separatory liner throughout the operational life and period of post closure care of the facility.*

Failure to operate the facility in accordance with the permit to install is a violation of OAC Rule 3745-27-19(B)(2), which states;

*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, a plan approval, an operational report, an approved closure plan, an alteration concurred with in writing by Ohio EPA, or any authorizing document listed in paragraph (I) of rule 3745-27-09 of the Administrative Code ...*

3. OAC Rule 3745-27-19(K)(6) requires a leachate contingency plan. The Preble County Landfill Leachate Contingency Plan is found in Appendix C of PTI number 05-5422 (approved May 7, 1996). The Facility is in violation of OAC Rule 3745-27-19(K) for failure to follow the approved Leachate Contingency Plan.

Please review and revise the contingency plan to address how this situation will be prevented through daily inspections, regular maintenance of the engineered components, and, in the event of any mechanical failures, how this will be corrected in a timely manner. Please provide a copy of the revised plan to this office.

4. The Facility is also in violation of OAC Rule 3745-2719(B)(5), which states in part;

*The owner or operator shall operate the facility in such a manner that operation does not create a nuisance or a health hazard, does not cause water pollution pursuant to Chapter 6111. of the Revised Code, and does not violate any regulation adopted by the director pursuant to Chapter 3704. of the Revised Code...*

5. An operating record index update was not provided in 2013. This is a violation of OAC Rule 3745-27-09(F), which states in part;

*The owner or operator shall update the operating record, at least annually, no later than April first of each year during both the operating life of the facility and the post-closure care period ...*

Please submit the operating record index and ensure future updates are received by April 1<sup>st</sup> each year.

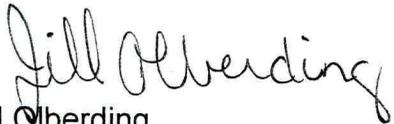
Nothing in this letter shall be construed to authorize any waiver from the requirements of any applicable state or federal laws or regulations. This letter shall not be interpreted to release the owner or operator, or others, from responsibility under Chapters 3704, 3714,

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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 regarding this letter, please contact me by telephone at (937) 285-6094 or by email at [jill.olberding@epa.ohio.gov](mailto:jill.olberding@epa.ohio.gov). Please respond to this office within 30 days with a description of corrective actions taken.

Sincerely,



Jill Olberding  
Environmental Specialist  
Division of Materials and Waste Management

ec: Deborah Roth, Ohio EPA, SWDO/DSW  
Gary Walker, Preble County Health Department

cc: Dave Wilson, Preble County Landfill

JO\bp

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MR RANDY GILBERT  
 SANITARY ENGINEER  
 4499 US RT 127 SOUTH  
 EATON OH 45320

PS Form 3800, August 2006

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 SANITARY ENGINEER  
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 EATON OH 45320

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 Randy Gilbert

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