



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

September 20, 2013

**RE: MT. EATON LANDFILL
NOTICE OF VIOLATION/NOV
MSWL018846
MUNICIPAL SOLID WASTE
LANDFILL
WAYNE COUNTY**

Mr. Joe Balog
Norton Environmental Company
6055 Rockside Woods Blvd., Suite 105
Independence, Ohio 44131

CERTIFIED MAIL 7012 3050 0001 8836 3461

Mr. Freeman Mullet
Mount Eaton Reclamation, Inc.
P. O. Box 256
Mount Eaton, Ohio 44659

CERTIFIED MAIL 7012 3050 0001 8836 3478

Twilight Mining
P.O. Box 220
Berlin, Ohio 44610

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Gentlemen:

On August 30, 2013, a site inspection was conducted at the closed Mt. Eaton Landfill, located at 8544 W. Lebanon Road, Mount Eaton, Wayne County, by John Hujar and Clarissa Gereby of the Division of Materials and Waste Management (DMWM), Ohio Environmental Protection Agency (Ohio EPA), and Ken Eng of the Wayne County Health Department. Rich Heier, representing the facility, was present during most of the inspection. Mt. Eaton Landfill is a closed municipal solid waste landfill undergoing post closure care.

During the time of the inspection, the following observations were noted:

- Monitoring Well MW-17 and MW-18s well pad surrounding soils have been repaired inadequately; additional soils and berms/letdowns are required to prevent subsequent washout of soils around the wells.

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- Erosion of the landfill cap in the vicinity of the flare

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- Small trees were observed growing on the landfill cap and surface water ditches

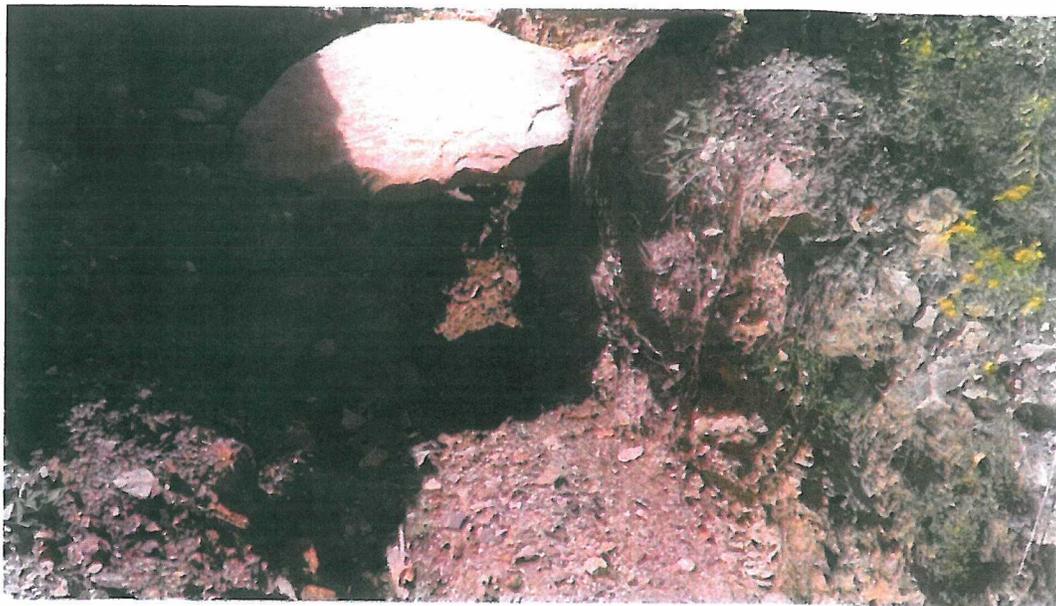


- The surface water letdown culvert on the eastern slope of "old cell" was separated in several places and erosion was present beneath the structure

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- Erosion was observed in the ditches near the construction and demolition debris landfill



- Inadequate roadway maintenance in several areas

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- Extensive erosion and lack of vegetation on the slopes in **the** area leading down to the sediment pond



- The surface water sediment pond has established cattails and has a soils “delta” at the mouth of the inlet compromising the design capacity of the surface water sediment pond



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- Approximately seven acres with limited or no vegetative cover on top and sides of the "new cell" mound



- Approximately eight acres with limited or no vegetative cover on the "old cell" mound



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Therefore, the owner/operator is in violations of the following rules:

1. **OAC Rule 3745-27-14(A)(1)**: *“(1) Continuing operation and maintenance of the leachate management system, the surface water management system, any explosive gas extraction and/or control system, any explosive gas monitoring system, and the ground water monitoring system.”*

The owner/operator is in violation of this rule because the ground water monitoring system and the surface water management system have not been adequately maintained. MW-17 and MW-18 soils surrounding and supporting the concrete well pads have been washed out in the past and will continue to be compromised due to missing berms/letdowns and inadequate soils around the wells to support the concrete well pad. The surface water management system has not been maintained due to the presence of trees growing in surface water ditches; the surface water letdown culvert on the eastern slope of the “old cell” is broken/separated in several places and erosion is evident beneath the letdown culvert; erosion is present in the ditches near the C&DD landfill; extensive erosion in area leading down to sediment pond; no vegetation is growing on soils in the area leading down to sediment pond; the sediment pond has been filled in with soil/cattails which forms a “delta” at the mouth of the inlet, compromising the design capacity; and failing surface water ditches.

The owner/operator shall make repairs as needed to properly maintain and continually maintain the surface water and the ground water management systems immediately.

2. **OAC Rule 3745-27-14(A)(2)**: *“Maintaining the integrity and effectiveness of the cap system, including making repairs to the cap system as necessary to correct the effects of settling, dead vegetation, subsidence, ponding, erosion, leachate outbreaks, or other events, and preventing run-on and runoff from eroding or otherwise damaging the cap system.”*

The owner/operator is in violation of this rule because the integrity and effectiveness of the cap system has not been maintained due to the presence of dead vegetation on the landfill cap; large areas of no vegetation on the landfill cap, and the presence of considerable erosion on the landfill cap.

The owner/operator shall immediately make repairs of the cap system as necessary to correct the effects of dead vegetation, erosion, and preventing runon and runoff from eroding or otherwise damaging the cap system.

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3. **OAC Rule 3734-27-08(D)**: *“Design, construction and testing specifications. The owner or operator shall meet or exceed the following specifications in the design, construction, and quality assurance testing of all engineered components of a sanitary landfill facility.*

(26) For cap protection layers: a cap protection layer shall comply with the following:

(d) Have sufficient fertility in the uppermost portion to support vegetation.

(e) Be constructed as follows:

(i) With best management practices for erosion control.

(ii) In a manner that healthy grasses or other vegetation shall form a complete and dense vegetative cover within one year of placement.”

The owner/operator is in violation of this rule because the landfill cap system does not have a complete and dense vegetative cover of healthy grasses or other vegetation within one year of placement of the cap system. Additionally, the Mt Eaton Landfill has been in post closure care for several years, and the vegetative cover is not yet established on either the “old cell” or the “new cell”.

The owner/operator of Mt. Eaton Landfill 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 owner/operator of Mt. Eaton Landfill 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 clarissa.gereby@epa.ohio.gov.

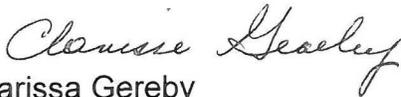
Please be advised that violations cited above will continue until the violations have been properly abated. Failure to comply with Chapter 3734 of the Ohio Revised Code and rules promulgated thereunder may result in a civil penalty of up to \$10,000 per day for each violation. It is imperative that you return to compliance. If circumstances delay the abatement of violations, the owner/operator of Mt. Eaton Landfill is requested to submit written correspondence of the steps that will be taken by date certain to attain compliance.

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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 Act or the Resource Conservation and Recovery Act, or the Comprehensive Environmental Response, Compensation, and Liability Act or from other applicable requirements for remedying conditions resulting from any release of contaminants to the environment.

If you have any questions, please contact me by telephone at (330) 963-1224 or by email at clarissa.gereby@epa.ohio.gov.

Sincerely,


Clarissa Gereby
Environmental Scientist
Division of Materials and Waste Management

Attachments

cc: Ken Eng, Wayne County Health Department
John Hujar, DMWM, NEDO
File: [Singh/LAND/Mt. Eaton LF/COR/85]