



State of Ohio Environmental Protection Agency

Northeast District Office

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Ted Strickland, Governor  
Lee Fisher, Lieutenant Governor  
Chris Korleski, Director

November 20, 2008

RE: **NOTICE OF VIOLATION**  
ODOR NUISANCE  
GENEVA LANDFILL  
FACILITY ID: 02-04-03-0303

**CERTIFIED MAIL**

Mr. Evan Jahn, Manager  
Geneva Landfill  
4339 Tuttle Road  
Geneva, OH 44041

Dear Mr. Jahn:

The Ohio EPA Northeast District Office (NEDO) has received a number of citizen complaints alleging strong odors emanating from the Geneva Landfill located at 4339 Tuttle Road, Geneva, Ohio. The majority of these complaints have been about odors from the landfill occurring after hours and on weekends.

Representatives from Ohio EPA, Division of Air Pollution Control, have periodically conducted odor surveillance around the landfill perimeter during investigations into the complaints. Surveillance has been conducted fifty-one (51) times, with odors detected on thirty-one (31) occasions.

Odors were detected on the following dates in 2008:

March 12, 15, 18, 20, 29  
April 16, 18  
May 6, 20, 23, 27  
June 2, 11, 15, 25  
July 6, 9, 13, 22, 27  
August 5, 7, 10  
September 7, 22  
October 14  
November 2, 11, 13, 14, 15

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On October 29, 2008, Geneva Landfill conducted its required quarterly methane surface monitoring. At one location, a reading of 777 parts per million (ppm) was documented, significantly in excess of the 500 ppm monitoring threshold. This further supports Ohio EPA's technical judgment that landfill gas is escaping from the landfill in amounts large enough to cause odor issues.

In view of the above facts, this letter is to inform you that the operations conducted at the Geneva Landfill are causing an odor nuisance in violation of Ohio Administrative Code Rule 3745-15-07, "Air Pollution Nuisances Prohibited," of which paragraph (A) states:

*"Except as provided in paragraph (B) of this rule, the emission or escape into the open air from any source or sources whatsoever, of smoke, ashes, dust, dirt, grime, acids, fumes, gases, vapors, odors, or any other substances or combination of substances, in such a manner or in such amount as to endanger the health, safety or welfare of the public, or cause unreasonable injury or damage to property, is hereby found and declared to be a public nuisance. It shall be unlawful for any person to cause, permit or maintain any such public nuisance."*

In order to move toward compliance with this rule, Geneva Landfill must immediately employ any and all measures necessary to control odors from this facility.

**Within fourteen (14) days of receipt of this letter**, please submit to this office a written plan of action, both ongoing and proposed, to mitigate odors. The submittal should include a schedule for returning to compliance, including dates by which corrective measures will be implemented. Ohio EPA may request detailed plans on the specific control measures at a later date.

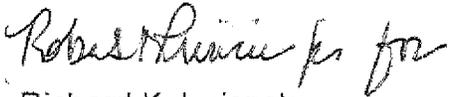
Please be advised that acceptance by Ohio EPA of any compliance plan does not constitute a waiver of Ohio EPA's authority to seek civil penalties as provided in the Ohio Revised Code (ORC) Section 3704.06. The determination to pursue further action will be determined by Ohio EPA at a later date.

Failure to correct the above violation and to operate this facility in accordance with all applicable state air pollution laws and rules will result in a referral to DAPC's Enforcement Committee for enforcement consideration.

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If you have any questions regarding the matters discussed in this letter, please contact Richard Kolosionek at (330) 963-1241.

Sincerely,



Richard Kolosionek  
District Representative  
Division of Air Pollution Control

RK:bo

ec: Dennis Bush, DAPC, NEDO

cc: Tim Fischer, Ohio EPA, DAPC, NEDO  
Bob Princic, Ohio EPA, DAPC, NEDO  
Tom Kalman, Ohio EPA, DAPC, CO  
Jennifer Kurko, Ohio EPA, DSWIM, NEDO  
Ray Saporito, Ashtabula County Health Dept.  
Lisa Holscher, U.S.EPA, Region V