



State of Ohio Environmental Protection Agency

**STREET ADDRESS:**

Lazarus Government Center  
50 W. Town St., Suite 700  
Columbus, Ohio 43215

TELE: (614) 644-3020 FAX: (614) 644-3184  
www.epa.state.oh.us

**MAILING ADDRESS:**

P.O. Box 1049  
Columbus, OH 43216-1049

February 21, 2008

Tim Vandersall  
General Manager  
Countywide Recycling and Disposal Facility (RDF)  
3619 Gracemont Street S.W.  
East Sparta, OH 44626

**RE: Countywide RDF, Stark County; Notice of Violation**

Dear Mr. Vandersall:

As you know, Ohio EPA continues to closely monitor conditions at Countywide Landfill in order to determine compliance with Ohio EPA's March 2007 Findings and Orders, to study the extent of the subsurface fire, to evaluate landfill conditions and any potential impacts on public health and safety, and to evaluate Countywide's compliance with relevant laws and regulations.

On January 14<sup>th</sup>, Ohio EPA provided you with a NOV, which among other things, alleged that Countywide had exceeded the authorized limits of waste placement. The NOV also included our perspective on slope failure which had occurred on the south slope of the landfill.

Since the time of the January 14<sup>th</sup> NOV, Ohio EPA has had occasion to further evaluate, in consultation with our experts, conditions at the south slope of the landfill. In particular, Ohio EPA has looked carefully at the issue of whether there is sufficient evidence to conclude that the integrity of engineered components (including the FML or portions of the FML) has been adversely affected. To date, Ohio EPA has observed the following significant conditions at the landfill:

- Significant movement of waste along the south slope of the landfill;
- Waste outside of the limits of waste placement along SGP-6;
- Landfill gas and leachate outside the limits of waste placement in SGP-6;
- Sustained levels of landfill gas in gas monitoring probe M since 2004;
- Sustained elevated temperature readings of more than 250 F° that are within 20 feet of the bottom FML in slope inclinometer 5 (INC-5);
- Sustained elevated leachate temperatures of greater than 180 F° in the leachate collection system; and
- Damage to a leachate collection pipe (engineered component) in the south slope area.

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

Tim Vandersall, General Manager  
Countywide Recycling and Disposal Facility (RDF)  
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Taking all of these observations into account, especially the high temperatures which we continue to observe in close proximity to the FML and the high temperature of collected leachate, Ohio EPA believes that conditions at the landfill have adversely affected the integrity of the engineered components in the south slope area, including the FML.

As you know, Ohio Administrative Code rule 3745-27-19(E)(1)(c) provides in pertinent part:

*The owner or operator shall maintain the integrity of the engineered components of the sanitary landfill facility and repair any damage to or failure of the components. "Engineered components" include the components described in rule 3745-27-08 of the Administrative Code and components of the monitoring system installed in accordance with rule 3745-27-10 of the Administrative Code. Failed or damaged engineered components shall be investigated and reconstructed in strict compliance with the existing applicable authorizing documents . . . .*

Given that the extreme conditions at the landfill have adversely affected the integrity of the engineered components, and given that, as of this date, Countywide has failed to repair the damage to the affected engineered components or reverse the effects of the temperature, chemistry and slope failure on these components, a violation of Ohio Administrative Code 3745-27-19(E)(1)(c) is occurring at Countywide landfill. As you know, Ohio EPA plans to work with Countywide to evaluate whether it is prudent or practical to repair any or all of these impacted components.

Ohio EPA's failure to list all conditions or other violations in this letter does not relieve Countywide from having to comply with all applicable regulations. Nothing in this letter shall be construed to authorize any waiver from the requirements of any applicable state or federal regulations. This letter shall not be interpreted to release the owner or operator of the Countywide Landfill, or others, from responsibility under Chapters 3704., 3714., 3734., or 6111. of the Ohio Revised Code or under the Federal Clean Water Act or Comprehensive Environmental Response, Compensation, and Liability Act to remedy conditions resulting from any release of contaminants to the environment.

Sincerely,



Ed Gortner  
Environmental Supervisor  
DSIWM-CO

EG/sw

Tim Vandersall, General Manager  
Countywide Recycling and Disposal Facility (RDF)  
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cc: CO Civil Enforcement Files  
Pam Allen, DSIWM-CO  
Jeff Hurdley, Ohio EPA-Legal  
Kurt Princic, DSIWM-NEDO  
Kirk Norris, Stark County Health Department  
Mark Durno, US EPA

ec: Todd Hamilton, CWRDF  
Clarke Lundell, Republic  
Michael Beaudoin, EarthTech