OhioEPA
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Ted Strickland, Governor
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Chris Korleski, Director

June 20, 2008

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

RE: Leachate Outbreak at Countywide RDF, Stark County
Notice of Violation (NOV)

Dear Mr. Vandersall:

On April 30, 2008, I conducted a partial compliance inspection of Countywide RDF (Facility) to determine compliance with Ohio Administrative Code (OAC) rule 3745-27-19.

Upon inspection of the facility, it was discovered that a release of leachate of approximately 200 - 5,000 gallons had occurred on or after April 26, 2008. The leachate outbreak was first noticed by field workers on the morning of April 28, 2008. The leachate outbreak originated from under the synthetic cap in the northern part of cell #4 and leachate was allowed to flow beyond the limits of waste placement, through rock-lined surface water channels, through a culvert, and then into sedimentation pond 1A. At the time of the inspection, sedimentation pond 1A's discharge pipe was a few feet above the water level in the pond. As a result, it is believed by the Facility that no leachate was discharged through the outfall and into the waters of the state.

Since leachate was released from landfill and was allowed to flow outside limits of waste placement and travel through surface water channels that are not designed to transport leachate, the Facility did not properly manage the leachate outbreak. The Facility is therefore in violation of the following:

OAC Rules 3745-27-19(K)(1)(a) and (c): which state, in part: "*If a leachate outbreak occurs at the sanitary landfill facility, the owner or operator shall repair all outbreaks and...contain and properly manage the leachate...*" and *"take action to minimize, control, or eliminate the conditions which contribute to the production of leachate."*

Because the actions required by these rules did not commence until April 28th there are possibly two days in which these violations occurred. Beginning on April 28th, Ohio EPA finds the Facility returned to compliance with these rules by engaging in activities designed to minimize, control or eliminate the conditions which contributed to the production of leachate. Since this is a repeat violation in this area, Ohio EPA strongly advises the Facility to take more aggressive steps to address the leachate outbreaks in

this area. In particular, Ohio EPA recommends that the Facility consider designing and installing a one foot thick granular drainage bed, enhanced with drainage pipes, that is tied into the leachate collection system beneath the odor control FML. This will hopefully avoid similar situations in the future should a drainage pipe be compromised.

In addition, the following ongoing violation continues to occur at the facility:

OAC Rule 3745-27-19(E)(3)(a): which states, *"The owner or operator shall have adequate equipment, material, and services available at or near the facility to control fire. The owner or operator shall act immediately to control or extinguish any fire."*

The Director of Ohio EPA has determined that a fire is occurring at Countywide RDF, as detailed in the Director's Final Findings and Orders (Orders) dated March 28, 2007. OAC Rule 3745-27-19(E)(3)(a) requires Countywide RDF to "act immediately to control or extinguish any fire." Countywide RDF remains in violation of OAC Rule 3745-27-19(E)(3)(a) because, as of the date of inspection, the fire is neither controlled nor extinguished; however, Ohio EPA acknowledges that Countywide RDF has entered into Orders with the Director that require the facility to undertake actions necessary to develop the remedy for this violation and further set forth a schedule to attain compliance with OAC Rule 3745-27-19(E)(3)(a). In light of this circumstance, Countywide RDF will remain in violation of OAC Rule 3745-27-19(E)(3)(a) until the fire is extinguished in accordance with the criteria as set forth in the Orders. Although Countywide RDF is undertaking extensive efforts to comply with the Orders, in the event that Countywide RDF falls delinquent in its performance under the Orders, be aware that further escalated enforcement action may follow to redress this serious violation.

Ohio EPA is in receipt of your May 5, 2008, response letter to Phil Rhodes which explains the summary of events, actions taken as of that time, and actions to be taken. Please respond to this letter within 15 days with the following: (a) current status of sedimentation pond 1A; (b) the analytical results completed on the water samples taken from sedimentation pond 1A; (c) the amount and destination of the sedimentation pond water disposed of offsite; (d) any additional actions that were taken as a result of this incident (since May 5, 2008); and, (e) any additional actions that are planned to be taken, to include replacing and/or improving the toe drain, sump, leachate collection, etc. that caused the "pillow" buildup of leachate under that synthetic cap and causing the leachate outbreak.

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 of Countywide RDF, or others, 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 remedying conditions resulting from any release of contaminants to the environment.

If you have any questions regarding this letter, please feel free to contact me at (330) 963-1103, or by e-mail at joshua.adams@epa.state.oh.us.

Sincerely,

Joshua Adams
Environmental Specialist
Division of Solid and Infectious Waste Management

JA/ams

cc: Kirk Norris, Stark County Health Department
Ed Gortner, Ohio EPA, Central Office, DSIWM
Nicholas Bryan, Attorney General's Office

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