



Countywide RDF
3619 Gracemont Ave. S.W.
East Sparta, Ohio 44626

7 July 2008

Sent Electronically and US Mail

Mr. Joshua Adams
Environmental Specialist
Ohio Environmental Protection Agency
Northeast District Office
2110 East Aurora Rd
Twinsburg, Ohio 44087

Subject: Response to 20 June 2008 Notice of Violation
Letter, Countywide Recycling & Disposal Facility
Stark County, Ohio

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OHIO EPA NEDO

Dear Mr. Adams:

The following letter is written response to your letter dated 20 June 2008. The first portion of this letter responds to the alleged violations, and the second portion of the letter responds to the specific questions asked regarding actions taken by the facility related to the events referenced in your letter.

While Countywide appreciates your finding that the facility "returned to compliance," Countywide disagrees with the conclusion in your letter that any violations of OAC 3745-27-19(K)(1)(a) and (c) occurred. Specifically, your letter states that "[b]ecause the actions required by these rules did not commence until April 28th, there are possibly two days in which these violations occurred." The rules you cite are self-implementing and do not mandate specific actions that are to be taken by a facility and do not state a specific timeframe in which the response actions must be initiated. The letter itself indicates that there were "possibly" two days in which the alleged violations occurred. The agency's support for the alleged violation appears speculative and does not justify the finding of a violation of the cited rules. Countywide acted immediately upon discovery of the leachate outbreak, and therefore no violation occurred.

Specifically, any leachate associated with the events referenced in your letter were collected and shipped off-site for proper treatment and disposal. Moreover, no leachate ever traveled beyond or outside the sanitary landfill facility. Thus, the facility complied with OAC 3745-27-19(K)(1)(a) that requires the facility to "contain and properly manage

leachate at the sanitary landfill facility. In addition, the facility took numerous measures to respond to the specific location of the outbreak that constitutes actions to "minimize, control, or eliminate the conditions which contribute to the production of leachate." Thus, the facility also complied with OAC 3745-27-19(K)(1)(c). In addition, Countywide has already been cited by the Stark County Health Department for the events referenced in your June 20 NOV. Countywide does not believe it should be cited twice for the same alleged violations.

Countywide also disagrees with the alleged violation of OAC 3745-27-19(E)(3)(a). The rule cited in your letter states that 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 agency's continued citation of this alleged violation is inappropriate for several reasons.

On February 27, 2007, Director Korleski sent a letter along with proposed F&Os related to Countywide Landfill. The Director invited Countywide to work with his staff to "resolve this matter amicably and expeditiously through negotiated Orders." The letter identified the potential benefits that negotiated Orders would permit including the fact that the process "would be more likely to lead to a prompt resolution of the problems at the Facility." The letter also stated that the Director was "encouraged that [the] respective staffs [had] already scheduled a settlement meeting in anticipation of the Orders." Countywide accepted the Director's invitation to negotiate a resolution. In response to the Agency's invitation to negotiate, an initial meeting was held on February 28, 2007. Several additional meetings and telephone conferences were conducted throughout the month of March. Final F&Os were executed and journalized on March 28, 2007.

The March 28, 2007, F&Os specifically address the alleged "fire" at the facility and the alleged violation of OAC 3745-27-19(E)(3)(a). The violations alleged in the NOV's result from the exact same facts and the exact same alleged violation of OAC 3745-27-19(E)(3)(a) that are addressed in the F&Os. The F&Os require the Company to comprehensively address the alleged violation that is referenced in the NOV's.

Therefore, for purposes of enforcement issues, this issue is resolved. There is no environmental or health related reason to provide the company with "notice" of a violation that has been resolved, that the company is keenly aware of, and that the company has committed tens of millions of dollars to address and has assembled a team of expert consultants and engineers to manage and implement the F&Os entered with OEPA.

Moreover, it defies all reason to insist that, to the extent Countywide ever was in violation of this rule that it currently is in violation of this rule. The rule's language requires the owner or operator to "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." Notwithstanding that this language was obviously written to pertain to common landfill fires that generally occur at the working

face and are able to be quickly extinguished and or controlled through conventional methods, the facts show that Countywide did act immediately to control or extinguish the "fire". While Countywide cannot state that its immediate action was successful in finally extinguishing the "fire," Countywide acted immediately and has continued to act to control and or extinguish the "fire."

Furthermore, one need only visit the site to observe the "equipment, material, and services" available at the site that are being employed to control the "fire". Countywide submitted an Interim Action Evaluation Plan (IAEP) on April 10, 2007, which was approved by the Director as specific actions that could be applied to suppress the reaction. Countywide continues to comply with the actions outlined therein, to the extent that OEPA has allowed. Countywide also submitted a Fire Suppression Plan on May 25, 2007 to which the Director has yet to respond. In addition, the facility has recently submitted several work plans to the U.S. EPA and is in the beginning stages of the design and installation of the gas and temperature monitoring plan and the design and installation of temporary and permanent capping designed to address the reaction.

Countywide has also been in the process of dewatering the landfill which the Director has stated he believes will address the "fire." This is further evidence that Countywide is complying with the rule. There is no basis to continue to allege that Countywide is in violation of this rule.

Accordingly, Countywide respectfully requests that the June 20, 2008 Notice of Violation be withdrawn.

You also requested specific information related to activities that the facility has and continue to take in response to the events described in your letter. To ease understanding, questions asked will be italicized and the answers will follow. These questions can also be found on the second page, third paragraph under OAC Rule 3745-27-19(E)(3)(a) of the 20 June 08 letter.

- ***Current status of sedimentation pond 1A.*** The current status of sedimentation pond 1A is that the pond is isolated from collecting any surface water runoff. The initial volume of water in the pond that was mixed with leachate from the outbreak has been collected and was shipped off site for treatment and disposal. Any additional waters that enter the pond from rain events will be treated and disposed as leachate until the sediments from the pond are removed and the pond is put back in service.
- ***(b) The analytical results completed on the water samples taken from sedimentation pond 1A.*** Attached hereto is the complete set of analytical results from American Analytical Laboratories.
- ***(c) The amount and destination of the sedimentation pond water disposal of offsite;*** The total amount of water removed to date is greater than 500,000 gallons. The total volume of water shipped off site continues to increase as rainwater is removed from the pond. The water collected from pond 1A is transported to the City of Alliance Treatment Plant for treatment and disposal.

- **(d) Any additional actions that were taken as a result of this incident (since May 5, 2008);** Additional actions taken include the removal of the valve that is the suspected cause of the outbreak. The entire temporary cap drainage system has been redesigned in this area to include a drainage pipe connected to the storage tanks. In addition, a 20-foot flap of FML welded to the base liner was installed to provide additional protection from potential future outbreaks. Countywide has taken extensive measures to redesign the leachate controls and rebuild the leachate control structures at a cost of approximately \$150k to ensure containment of leachate in this area.
- **(e) Any additional actions planned to be taken.** All sumps in the relevant area have been removed. The area has been redesigned so that pumps have been replaced with a gravity drain that flows through a dual contained line to on site leachate storage tanks. Also, sediment from pond 1A will continue to be removed weather permitting. This phase of the project may last a few more weeks.

Any questions, please do not hesitate to call.

Sincerely,

A handwritten signature in black ink, appearing to read "Tim Vandersall", with a note "Signing for Tim Vandersall" written in smaller cursive to the right.

Tim Vandersall
General Manager
Countywide RDF

CC: Kirk Norris
Club 3000