

Office of the Director

# 2004 Enforcement Report



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**May 2005**

Bob Taft, Governor  
Joe Koncelik, Director

# Introduction

This is Ohio EPA's fifth annual enforcement report. As in years past, Ohio EPA is highlighting the achievements of its enforcement program both in terms of performance and environmental benefits.

2004 was a very successful year in terms of the number of cases resolved, the amount of penalties secured and, most importantly, the amount of environmental improvement that will occur as the result of these actions. While we are very proud of these achievements, defining future success or failure relative to these results would be inappropriate. The more appropriate factor to consider is the process improvements that have been institutionalized over the past five years that positioned Ohio EPA to achieve these results.

Of course, none of this success would be achievable without the hard work and dedication of Ohio EPA's inspectors, enforcement coordinators, attorneys and staff from the Ohio Attorney General's Office who continue to do great work despite growing workloads and difficult budget situations.

## **Improved Management of the Agency's Enforcement Program**

Since 1999, Ohio EPA has been engaged in an ongoing effort to improve its enforcement program. As part of that effort, the Agency has made a number of changes, which are documented in this and prior enforcement reports. The major changes include:

- Establishment of Agency-wide performance standards;
- Full reviews of five of the six major enforcement programs;
- Paperwork reductions;
- Development of standard legal orders and streamlined enforcement protocols;

- Clarification of enforcement roles and responsibilities; and
- Enhanced enforcement training in some programs.

As a result of these improvements, the efficiency and productivity of Ohio EPA's enforcement program has increased. Here are the major highlights that demonstrate improvements in the overall management of the Agency's enforcement program in the past five years:

- 45 percent increase in the number of administrative orders issued;
- Significant reduction in old cases (110 cases older than *24 months* in 1999; 13 cases older than *21 months* in 2004);

- Average administrative enforcement case on docket at end of 2004 is approximately 231 days or about 7.5 months, compared to 475 days at the end of 1999; and
- No verified complaints on docket at the end of 2004 that were more than two years old.

Ohio EPA continues to examine its enforcement program and look for ways to build upon these improvements to gain greater efficiencies and more environmental benefits.

# 2004 Enforcement Highlights

- Ohio EPA issued 214 orders in 2004, surpassing its goal of 115 orders by 86 percent.
- The average age of cases on Ohio EPA's administrative enforcement docket at the end of 2004 was 231 days.
- Significant improvements to the environment will be achieved as a result of 2004 enforcement cases, including: 1,401 tons of air pollution eliminated; 4,789 customers with cleaner drinking water; 20.1 million gallons per day of wastewater receiving enhanced treatment; 5,050,697 abandoned scrap tires removed; 5,775 tons of contaminated soil removed and disposed through hazardous waste site closures; and eight acres of contaminated property cleaned up and put back into productive use.
- Ohio EPA assessed \$4,231,763 in administrative penalties. This is the highest amount of administrative penalties assessed since the Agency started compiling these statistics in 1990.
- Civil penalties secured in consent decrees or civil judgments by the Attorney General's Office in 2004 totaled \$15,681,641. This is the highest penalty figure since the Agency started compiling these statistics in 1990. The Attorney General's Office also secured an additional \$5,745,895 in cost recovery and future cleanup funds.
- The criminal environmental enforcement program secured 29 convictions or plea agreements with a total of 66 felonies and nine misdemeanors. These efforts resulted in more than \$1 million dollars in fines and restitution.
- The Division of Surface Water issued 56 orders, the highest number of cases it has resolved since 1992. The division also assessed total penalties of \$11,005,352, the highest since the Agency started compiling these statistics in 1990.
- The Division of Air Pollution Control issued 67 orders, the most cases resolved with administrative orders by the division in the past nine years.
- The Division of Solid and Infectious Waste Management assessed \$3,764,870 in civil penalties (\$2,910,346 by the AGO and \$854,524 in administrative penalties).
- The Division of Hazardous Waste Management issued 20 orders, exceeding its goal of 17. At the end of 2004, the division had the second lowest average case age for all enforcement programs at 192 days, or about six months.
- The Division of Drinking and Ground Waters issued 41 orders in 2004, the most in one year in the division's history. The division maintains the lowest average case age for administrative cases of any program at 182 days.
- The Division of Emergency and Remedial Response's efforts will result in cleanups at three sites at an estimated cost to responsible parties of \$7,576,994.

# Environmental Improvements Achieved Through Enforcement in 2004

The number of cases resolved and penalties assessed can be important measures of an effective enforcement program. However, a successful enforcement program should also be able to document measurable improvements to public health, safety and the environment. The statistics below demonstrate that the environment has improved or been better protected as a result of the Ohio EPA's enforcement efforts.

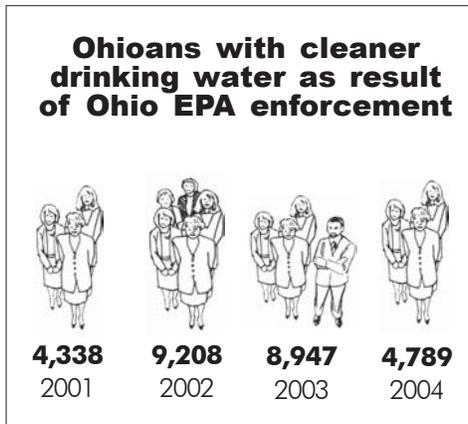
## Cleaner Air

Each year, Ohio EPA takes a number of significant enforcement actions that reduce the amount of pollutants that are released into the air. The statistics below represent overall reductions in the annual amount of pollutants released into Ohio's air. Because each action resulted in the installation or proper operation of permanent controls, the reductions achieved this year and in prior years will benefit the environment for years to come.

TONS OF AIR POLLUTION REDUCED DUE TO ENFORCEMENT	
Volatile organic compounds/ Organic compounds	<b>62 tons per year</b>
Particulates	<b>986 tons per year</b>
Sulfur dioxide	<b>353 tons per year</b>
Mercury	<b>.66 tons per year</b>
<b>TOTAL - 2004</b>	<b>1,401.66 tons per year</b>

## Cleaner Drinking Water

The Division of Drinking and Ground Waters addresses contamination and treatment of source water and finished drinking water provided to Ohioans. Enforcement actions are taken against a variety of drinking water providers, from major municipalities to small mobile home parks. Through its enforcement actions, Ohio EPA has immediate, positive effects on the health and welfare of Ohioans. The chart below shows the number of citizens who have cleaner drinking water as a result of Ohio EPA enforcement actions.



## Protecting Ohio's Streams, Lakes Rivers and Wetlands

The Division of Surface Water takes enforcement actions to remove and prevent contamination of streams, lakes, rivers and wetlands in Ohio. Collectively, these actions greatly improve water quality in Ohio. Actions are taken in a variety of regulatory areas including stormwater discharges, discharge permit violations, illegal fills of wetlands and unsanitary conditions. The statistics below demonstrate improvements to Ohio's waterways:

**IMPROVEMENTS TO OHIO'S WATERWAYS**

- 410**  
Sewer overflows addressed
- 20.1 million gallons per day**  
Wastewater receiving enhanced treatment
- 560 acres**  
Improved storm water controls
- 1,436 lots**  
Failing on-lot systems addressed
- 8,767 linear feet**  
Stream mitigation achieved
- 14**  
Illegal discharges addressed
- 10,000 gallons per day**  
Wastewater flow tied into regional treatment plant

## Scrap tires removed from open dumps



**5,070,632 tons**  
2002



**5,030,485 tons**  
2003



**5,050,697 tons**  
2004

### Cleaner Land

The Division of Solid and Infectious Waste Management cleans up open dumps and abandoned tires across the state and regulates composting, solid waste, construction and demolition debris (C&DD) and infectious waste facilities. Below are statistics regarding the amount of waste and tires removed from open dumps in Ohio in 2004:

- Solid waste and construction and demolition debris: **19,163 cubic yards**
- Abandoned scrap tires: **5,050,697**

The Division of Hazardous Waste Management takes enforcement action to ensure the proper management, transportation and disposal of hazardous waste. Statistics are provided below regarding the amount of hazardous waste that will be cleaned up or properly disposed through closure plans required by Ohio EPA enforcement orders.

- Contaminated soil removed and disposed: *5,775 tons*

- Non-hazardous liquid waste removed and properly disposed: **4,000 gallons**

The Division of Emergency and Remedial Response takes enforcement actions to clean up sites in Ohio where hazardous substances were disposed before many of today's environmental regulations were in effect. Many times these sites are the most complex or costly to clean up. The goal of the cleanup achieved through enforcement is to return previously polluted land to productive use. In 2004, eight acres of Ohio land were returned to productive use through cleanups that were completed as a result of prior enforcement actions.

### 2004 Case Highlight Protecting Public Health

During the 2004 summer, a gastrointestinal illness outbreak occurred on South Bass Island. In August, Ohio EPA began an environmental investigation of the drinking water and wastewater treatment facilities on the island. Evidence quickly narrowed the focus to drinking water as a pathway for the disease outbreak. Three days after starting its investigation, the Division of Drinking and Ground Waters issued unilateral orders to all 19 public water systems on the island. In addition to increased monitoring and operational requirements, public water systems that had a positive sampling result for total coliform bacteria or E. Coli were prohibited from using the water for potable purposes.

The number of illnesses peaked at 70 confirmed cases per day in mid-August and plummeted to less than five per day by late August, after Ohio EPA issued its orders that significantly decreased people's exposure to contaminated drinking water. This action assisted in bringing the outbreak to an end.

In addition, Ohio EPA issued orders in August to the Village of Put-in-Bay, requiring the Village to address more than 45 auxiliary wells – a potential pathway for contamination – through an expanded and comprehensive backflow prevention program.

# Agency-Wide Enforcement Goals for 2004

Ohio EPA instituted Agency-wide goals and performance standards to enhance the productivity and efficiency of the Agency's enforcement efforts. This section of the report details Ohio EPA's success in meeting its 2004 goals.

## GOAL 1:

*Increase the measurements of environmental improvement achieved through enforcement.*

In 2004, Ohio EPA began tracking environmental benefits gained from pollution prevention projects that are implemented as supplemental environmental projects (SEPs). In administrative orders with SEPs, Ohio EPA gives up a portion of the cash component of the civil penalty in exchange for a project that will benefit the environment. Some of the environmental benefits are not

realized until the project is implemented, so these results will be reported in future annual reports. As an example, the Division of Hazardous Waste Management through its 2004 cases prompted the elimination of 4,395 gallons of solvents used in manufacturing. This reduced the amount of hazardous waste that needed to be treated or disposed.

## GOAL 2:

*Resolve all administrative enforcement cases older than 21 months by the end of 2004.*

Ohio has a five-year statute of limitations for violations for which we are seeking a civil penalty. As a result, timely enforcement is a priority for Ohio EPA.

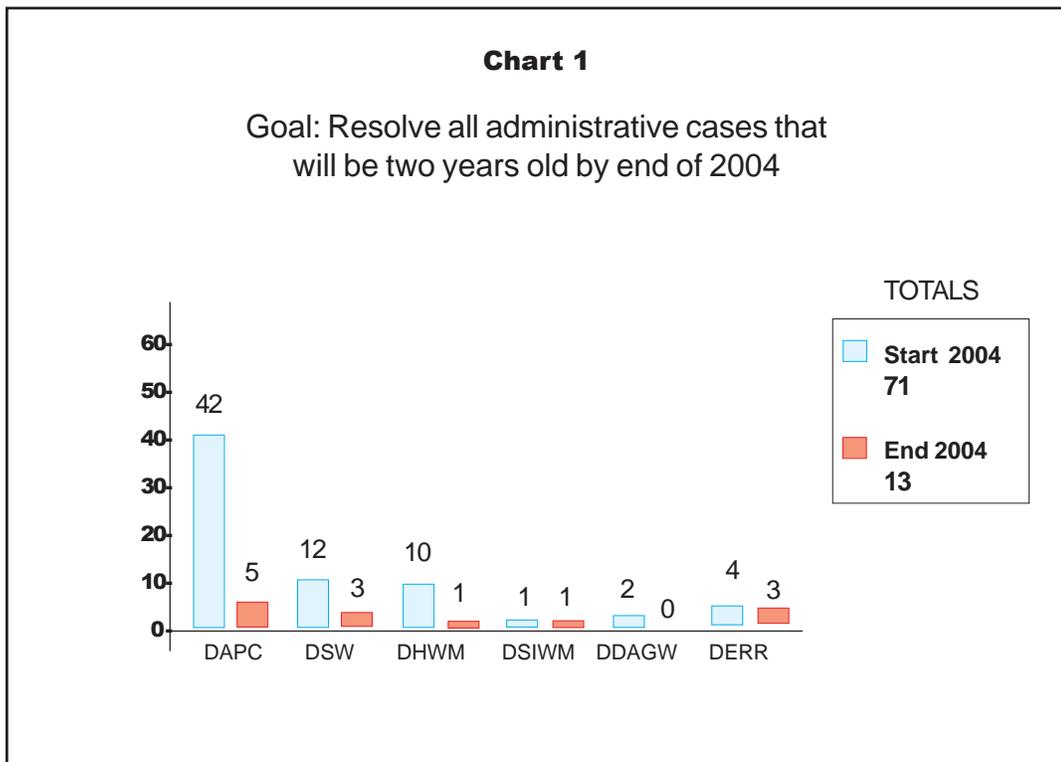
For several years, Ohio EPA established and substantially met a performance goal to resolve all administrative cases older than

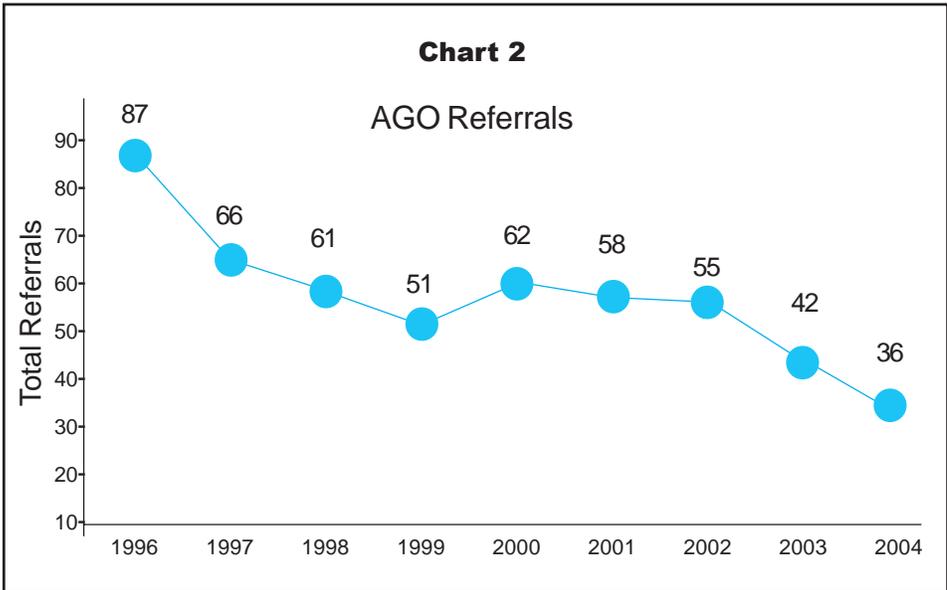
two years by the end of the calendar year. Because this standard was being met consistently, a more ambitious goal was set for 2004 to resolve all administrative cases older than 21 months by the end of the year.

At the beginning of 2004, there were 71 cases on the administrative docket that met this new criteria. Ohio EPA resolved 58 of those cases, or 82 percent (**Chart 1**).

**Chart 2** shows that the Agency did not eliminate the backlog simply by referring cases to the Attorney General's Office. There were 36 referrals in 2004, continuing a downward trend over the last several years.

The average age of cases on Ohio EPA's docket at the end of 2004 was 231 days, or about 7.5 months (**Chart 3**).





## 2004 Case Highlight Protecting Public Health and Safety

The Division of Emergency and Remedial Response successfully negotiated three orders that will ensure site cleanups that protect public health and safety. These cleanups will result in approximately \$7,576,994 in expenditures by responsible parties.

At the Zeidrich Dump in Columbiana County, a low-permeability cap will be constructed and maintained and a ground water monitoring program established. This action is designed to deal with soil, sediment and surface water contaminated with volatile and semivolatile organic compounds, PCBs and metals.

At the Glidden Resin Facility in Cuyahoga County, wastes will be excavated and disposed, and a ground water extraction and treatment system will be installed and operated. This action addresses soils and/or ground water contaminated with volatile organic compounds and industrial solvents.

At the Former Cooper Power Systems Plant in Muskingum County, an enhanced bioremediation system will be installed and operated. This action is designed to prevent skin contact with and ingestion of contaminated ground water.

**GOAL 3:**

*Resolve all verified complaints within two years of receipt.*

In May 2003, Ohio EPA developed a protocol for handling verified complaints received under Ohio Revised Code Section 3745.08. The protocol contains clear and detailed process steps and roles for addressing verified complaints. Because of this effort, Ohio EPA has greatly improved its efficiency in handling these complaints. There currently are no pending verified complaints that are older than two years (Chart 4).

**GOAL 4:**

*Issue 115 Findings and Orders in 2004.*

In 2004, the Agency had one of its most successful years ever in terms of the number of cases resolved. In total, Ohio EPA issued 214 orders. Every division met or exceeded its case targets (Chart 5). Ohio EPA assessed \$4,231,763 in administrative penalties. This is the highest amount of administrative penalties assessed since Ohio EPA began tracking in 1990. (Chart 6).

Chart 7 shows the enforcement docket size at Ohio EPA and the Attorney General's Office.

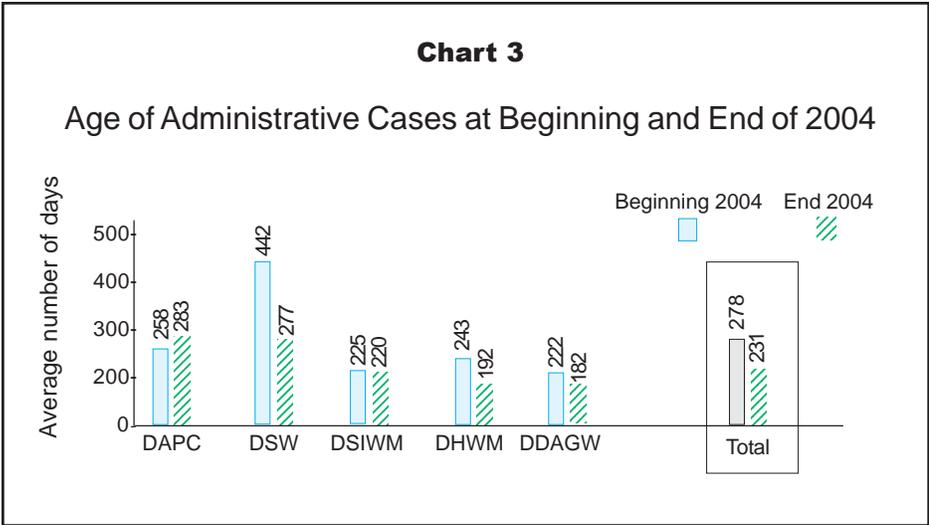


Chart 8 shows the number of enforcement referrals broken out by district with an overall comparison between 2003 and 2004.

**GOAL 5:**

*Track Agency performance standards established to meet the five-year statute of limitations on enforcement cases.*

To ensure that Ohio EPA's enforcement actions comply with the

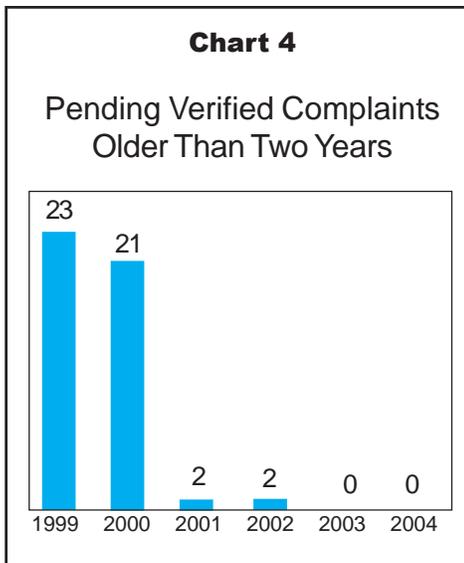
five-year statute of limitations, new performance standards dictate timeframes for certain key components of the enforcement process. The ultimate goal of these performance standards is to give the Attorney General's Office ample time to file a complaint within the statute of limitations should that be necessary.

All divisions began tracking these performance standards in 2004.

**GOAL 6:**

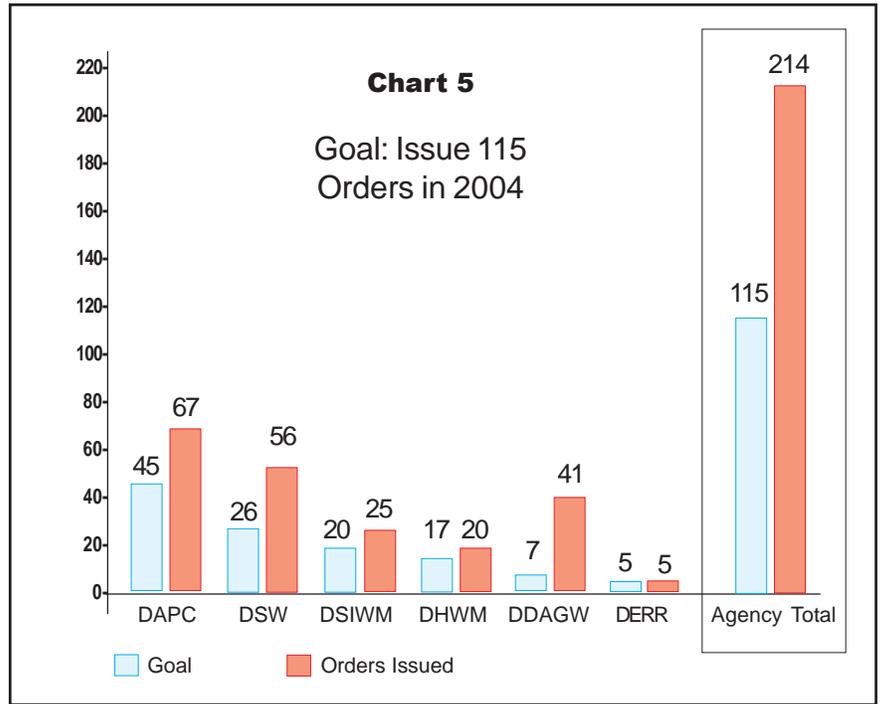
*Complete enforcement program reviews in DSIWM and DDAGW.*

In 2004, the Agency completed reviews of the enforcement programs in the Division of Solid and Infectious Waste Management and the Division of Drinking and Ground Waters. The outcome of those efforts is summarized below.



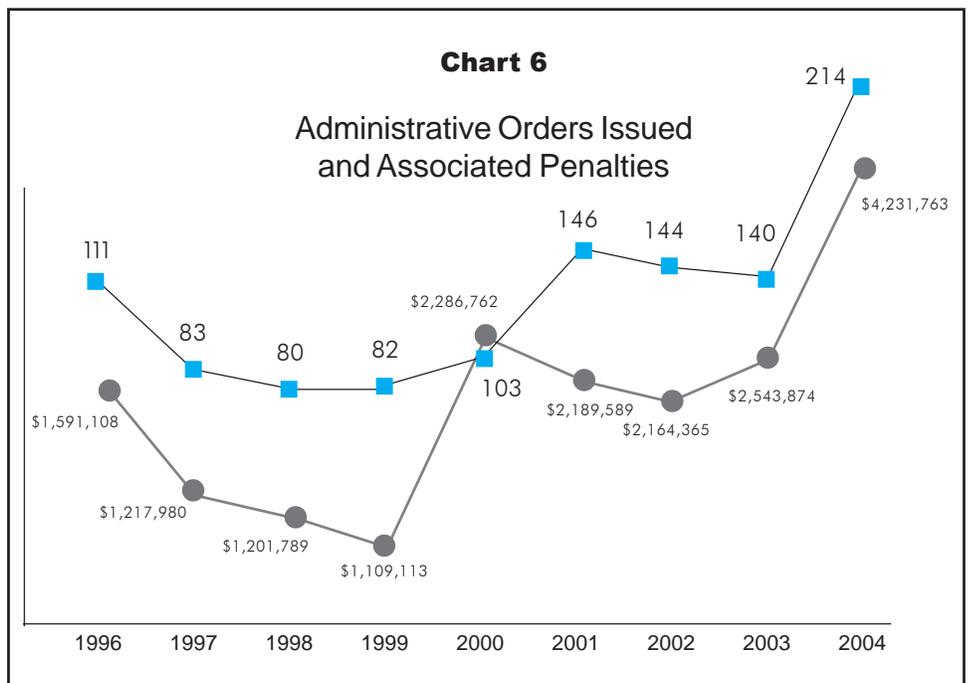
**Division of Drinking and Ground Waters (DDAGW)**

As part of DDAGW's improvement effort, the division developed a scoring matrix that creates a prioritization system for violations so that there are consistent standards for cases that should



be referred for formal enforcement. Ohio EPA staff can use the matrix to assign a noncompliance score to each noncompliant system. The matrix includes indicators such as duration of violation, degree of exposure/exceedance, number and type of violations. The matrix will assist the division in managing its enforcement docket consistent

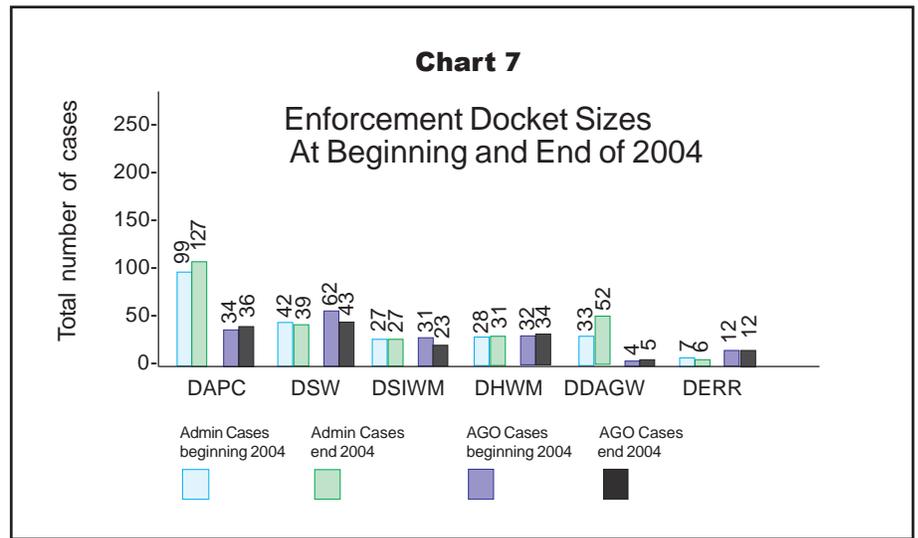
with the obligations under the statute of limitations. The Agency will begin using the matrix in 2005. In addition to the scoring matrix, DDAGW will expand its enforcement activities conducted at the district level.



## Division of Solid and Infectious Waste Management (DSIWM)

DSIWM focused on three areas for process improvement: internal communication; timeliness/efficiency; and quality/effectiveness. There are a number of improvements for each of these areas.

The division formed an enforcement advisory work group utilizing district office supervisors to provide insight and feedback on ongoing process improvements; provide outreach to health districts regarding enforcement processes; prepare a basic compliance monitoring and inspection manual to ensure consistency; and create an overhauled civil penalty policy to produce consistent penalty calculations. The division is also requiring the utilization of a "Compliance Report Card" to ensure consistent inspection practices and capture compliance history.

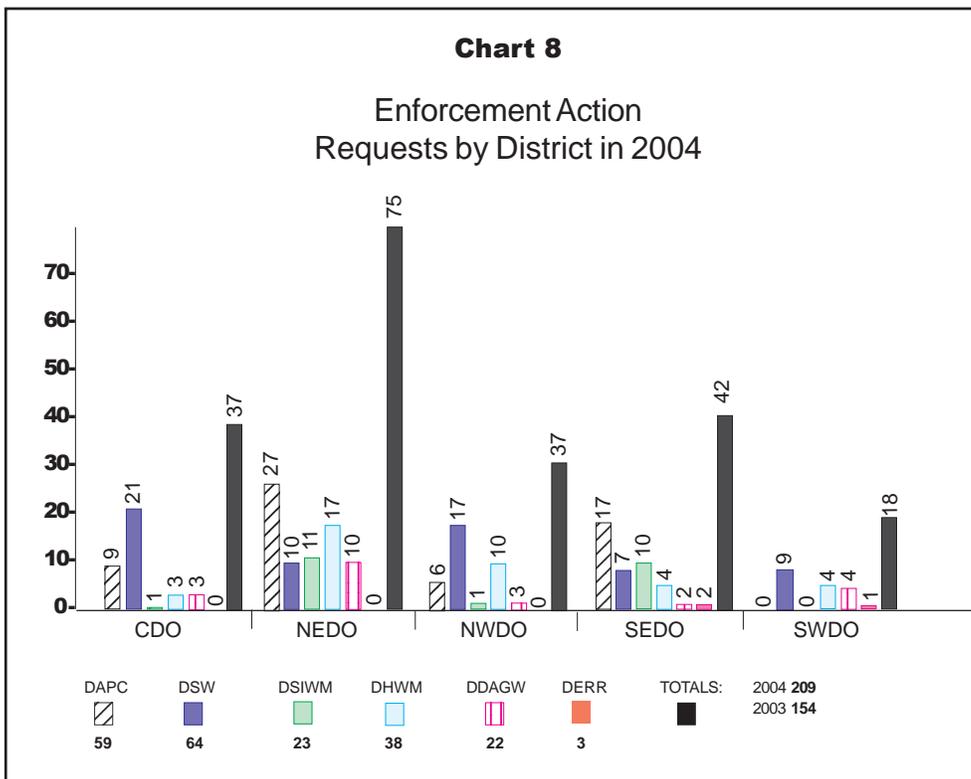


The division also formed a Sampling Team Workgroup to improve essential evidence gathering training, formulate a training to help inspectors and operators determine what "unidentifiable" waste is, and develop standard, appropriate responses for incidents where hazardous waste has been disposed at a solid waste landfill.

### 2004 Case Highlight **Criminal Enforcement of Environmental Laws**

In late 2001, the Office of Special Investigations received information from the local air agency in Dayton, whose inspectors discovered that Mullins Rubber Products was under-reporting their emissions for five years. In January 2002, investigators began interviewing Bill Mullins, Sr. regarding the allegations of falsified emission reports. Later that same month, Mullins, Sr. confessed to investigators that he had directed employees to falsify emission reports for two of the degreasing units at the facility.

Mullins, Sr. and his company plead guilty to felony charges of providing false reports to the government. In April 2004, the court sentenced him to a \$400,000 fine, four months of home confinement, three years of probation, a \$50,000 contribution to the Pulmonary Medicine Division of Children's Medical Center and 100 hours of community service. The company was also fined \$100,000.



# Overall Status of Ohio EPA's Enforcement Programs

## Criminal Enforcement

Ohio EPA and the Attorney General's Office have been recognized for having one of the best criminal environmental enforcement programs in the country. The investigation work performed by Ohio EPA's Office of Special Investigations, and the prosecutor and investigatory support provided by the Attorney General's Office, results in a significant number of criminal convictions in a variety of program areas. In 2004, Ohio EPA and the Attorney General's Office secured or assisted in securing convictions shown in the chart below:

## Attorney General's Office

The Attorney General's Office obtained judgments or consent

decrees in 46 cases and assessed \$15,681,641 in civil penalties in 2004 (**Chart 9**). The Attorney General also recovered \$5,745,895 in costs and funds to be used in future remediation. Currently, there are 153 cases on the AGO's docket.

## Administrative Enforcement

Ohio EPA issued 214 orders and assessed \$4,231,763 in administrative penalties (cash plus supplemental environmental projects) in 2004. While Ohio EPA has been consistently securing administrative penalties in excess of \$2 million for the past several years, this is the first time the annual total has surpassed \$4 million since 1995.

## Division of Air Pollution Control

The Division of Air Pollution Control continues to have the busiest enforcement program within the Agency. The division had 127 pending cases at the end of 2004. Despite this case load, the average age of these cases at the end of 2004 was 283 days or just over nine months. The division issued 67 orders in 2004, exceeding its goal of 40. The division assessed total penalties of \$3,949,272 (\$2,550,348 by the AGO and \$1,398,924 in administrative penalties).

## Division of Surface Water

The Division of Surface Water maintained its high productivity in 2004. It issued 56 orders, exceeding its goal of 26 orders by 115 percent. The division assessed total penalties of \$11,005,352 (\$10,123,447 by the AGO and \$891,905 in administrative penalties).

## Division of Hazardous Waste Management

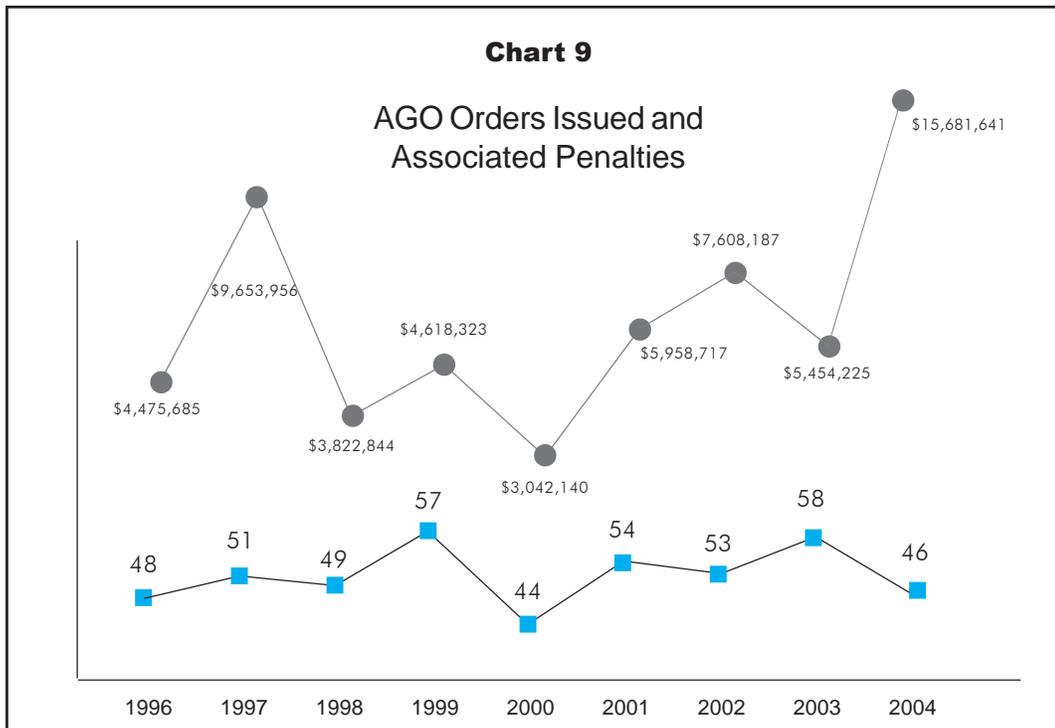
The Division of Hazardous Waste Management issued 20 orders, exceeding its goal by three. The division assessed \$757,960 in civil penalties (\$47,500 by the AGO and \$710,460 in administrative penalties). At the end of 2004, the division had the second lowest average case for all enforcement programs at 192 days, or about six months.

### 2004 Criminal Enforcement Convictions

	Convictions/Pleas	Felonies	Misdemeanors
Wastewater	15	33	2
Drinking Water	2	2	0
Hazardous Waste	4	6	3
Solid Waste	6	15	4
Air Pollution	2	10	0

These convictions and plea agreements resulted in punishments including 1,200 days of jail time; 1,680 days of home confinement; 570 days of supervised release; 690 hours of community service; \$967,350 in fines and restitution; and a \$50,000 donation to the Pulmonary Medicine Division of Children's Medical Center in Dayton.

# Overall Status of Ohio EPA's Enforcement Programs



## Division of Solid and Infectious Waste Management

The Division of Solid and Infectious Waste Management issued 25 orders in 2004, exceeding its goal of 20. The division assessed \$3,764,870 in civil penalties (\$2,910,346 by the AGO and \$854,524 in administrative penalties). This is the highest administrative penalty amount by the division in the past 10 years.

## Division of Drinking and Ground Waters

The Division of Drinking and Ground Waters issued 41 orders in 2004, far exceeding its goal of seven orders. By consistently meeting performance standards, the division maintains the lowest average age for administrative

cases of any program – 182 days. The division assessed \$435,950 in penalties (\$50,000 by the AGO

and \$385,950 in administrative penalties). The division also entered into 10 bilateral compli-

## 2004 Case Highlight Protecting Ohio's Waterways

Rittman Paperboard, in Wayne County, operates a permitted wastewater treatment plant. Ohio EPA staff documented numerous permit violations and unpermitted discharges that impacted water quality of River Styx. In November 2004, Rittman Paperboard entered into a consent order with the State of Ohio to address the violations. The company is required to pay \$165,000 for past violations.

More importantly, as a result of this enforcement case, the company will connect its wastewater discharge to the City of Rittman. It is estimated that eliminating the discharge to River Styx will result in annual removal from the stream of approximately 34,000 pounds of carbonaceous biochemical oxygen demand (a measurement of an organic pollutant's strength), 81,000 pounds of suspended solids (sludge if it settles to the bottom of the river), 438 pounds of ammonia (very toxic to aquatic life) and 65 pounds of copper.

ance agreements. These agreements are designed to address noncompliance at facilities whose violations are serious but able to be corrected without issuing orders.

### **Division of Emergency and Remedial Response**

Several years ago, the Division of Emergency and Remedial Response made a strategic decision to focus on a select number of priority sites in order to move those sites through the lengthy process toward cleanup and final resolution. This has been a successful effort for the division. Five orders were completed in 2004. Three of the orders will result in design and implementation of site cleanup remedies at an estimated cost to responsible parties of \$7,576,994.

#### 2004 Case Highlight

### **Benefitting Local Communities**

For several years, Ohio EPA has participated in a neighborhood-based initiative focusing on environmental awareness and compliance in the St. Clair Superior neighborhood in Cleveland.

In the fall of 2002, inspectors in Ohio EPA's Northeast District Office inspected hazardous waste facilities in the area. During inspections of Prince Plating and Electro Plating and Fabricating, Ohio EPA discovered various hazardous waste violations, including illegal storage of hazardous waste, container management violations and inadequate inspection and personnel training violations.

Electro Plating and Fabricating Co. and Prince Plating, Inc. have since corrected the violations and agreed to pay a \$10,000 and \$45,000 civil penalty, respectively. In lieu of paying \$10,000 and \$30,000 in penalties, the companies agreed to direct that money to the Cleveland Municipal School District to upgrade approximately six school buses with devices and cleaner fuels that reduce emissions of particulate matter, carbon monoxide and hydrocarbons. This means cleaner air for students, bus drivers, teachers and the community.

In addition, Prince Plating, Inc. will be allowed to redirect \$15,000 of its settlement to purchase and install equipment at its facility that will reduce hazardous waste generated during its plating process.

#### 2004 Case Highlight

### **Reducing Mercury Pollution**

Under an agreement with Ohio EPA, Ashta Chemicals, Inc., in Ashtabula Township, will reduce its mercury emissions by approximately 80 percent and eliminate the discharge of 30 grams of mercury to the water annually. A civil penalty of \$1.54 million will be offset by the company's completion of three projects that will significantly reduce mercury releases to the environment. Ashta Chemicals is the third largest generator of mercury emissions in Ohio.

The agreement with Ashta will prevent the release of 1,320 pounds of mercury to the environment annually. Ohio EPA filed a court action in 2001 against Ashta Chemicals for mercury violations of its wastewater discharge permit and for violating a schedule designed to bring the facility back into compliance. The company has brought the plant into full compliance.

Ashta Chemicals agreed to install equipment and controls to achieve early compliance with the federal standard for mercury cells. This equipment will remove 148,475 grams of mercury from the air, bringing the company into compliance with federal requirements six months before required by law.

In addition, the company will install additional air emission controls to reduce fugitive mercury emissions not required in the federal standards. This project is expected to remove an additional 450,450 grams per year of mercury from the air.

A third project will require the company to collect storm water runoff from three discharge points on the site. This water will be treated and used in the manufacturing process. Ohio EPA estimates this activity will eliminate the discharge of an additional 30 grams of mercury per year to the environment.

# Ohio EPA Enforcement Goals for 2005

Due to the continuing success of enforcement program improvement efforts, Ohio EPA is committed to continuing Agency-wide enforcement goals and performance standards in 2005. By maintaining consistent goals, a benchmark is firmly established for monitoring performance.

## **GOAL 1:**

*Increase the measurements of enforcement efforts.*

There are a number of activities that occur at the district level that support the health of our enforcement program. These include inspections and violation notice letters. We will begin tracking a number of these items consistently across programs.

## **GOAL 2:**

*Resolve all administrative enforcement cases older than 21 months by the end of 2005.*

This will be the second year of implementing this performance standard. Last year, this standard was met in 82 percent of the cases. Ohio EPA intends to further improve turn-around time and envisions moving toward an even tighter time frame in the future.

## **GOAL 3:**

*Resolve all verified complaints within two years of receipt.*

This goal remains consistent with past years. Ohio EPA will stay focused on investigating and resolving all verified complaints received in a timely manner. By meeting this performance standard, the Agency can continue to ensure that it maintains a level of performance that complainants deserve.

## **GOAL 4:**

*Issue 133 Findings and Orders in 2005.*

In 2004, the Agency had a very successful year in resolving existing enforcement cases and exceeded its goal of issuing 115 orders. For 2005, the goal is to issue 133 orders. These are the specific targets for each division: DAPC (45); DSW (33); DHWM (20); DSIWM (16); DDAGW (14); and DERR (5).

## **GOAL 5:**

*Manage caseload to ensure that all cases involving civil penalties are resolved administratively or filed in court within the five-year statute of limitations.*

In 2005, all programs will continue to track compliance with the established performance standards to ensure timely case resolutions.

## **GOAL 6:**

*Improve tracking compliance with existing Findings and Orders and judicial consent decrees.*

Securing resolutions of cases through administrative orders or judicial consent decrees is but one step in the overall enforcement process. Many of these orders and decrees require the violator to implement work to bring the facility into compliance. In 2005, Ohio EPA will review its protocols for overseeing these agreements and make improvements to ensure that the Agency is adequately overseeing the implementation of the requirements under these documents.

## 2004 Case Highlight **Ensuring Proper Disposal of Waste**

A&L Salvage, LLC, operates a construction and demolition debris landfill in Lisbon (Columbiana County). Between March 2002 and November 2004, the landfill was repeatedly cited for failing to use a designated unloading zone; accepting and disposing of solid waste; and accepting and disposing of waste that was not identifiable as construction and demolition debris.

Under the 2004 agreement with Ohio EPA to address these violations, the company will upgrade its ground water monitoring system and conduct explosive gas monitoring while the landfill is still operating. When the facility closes in the future, A&L Salvage will construct a more stringent final cap system over the waste. The monitoring and closure requirements will be the same as those required for solid waste landfills. In addition, A&L Salvage will be required to conduct post-closure maintenance and environmental monitoring for five years following its closure. The company will also be required to provide financial assurance to guarantee the post-closure maintenance and monitoring.

The orders also require the company to pay a \$56,553 civil penalty.

**GOAL 7:**

*Develop a uniform policy on supplemental environmental projects.*

In 2005, Ohio EPA will develop a uniform policy for supplemental environmental projects. This will provide more consistency among programs in how these projects are incorporated into enforcement settlements to offset part or all of the civil penalty.

**GOAL 8:**

*Complete enforcement program review in the Division of Hazardous Waste Management.*

In 2005, the Agency will complete an intensive review of the enforcement program in the Division of Hazardous Waste Management. The Agency will then implement the recommended improvements in 2006.

## 2004 Case Highlight

**Ensuring Proper Disposal of Waste**

Ohio EPA, in conjunction with the Mahoning County Health Department, documented multiple violations related to unlawful acceptance and disposal of industrial solid waste and other solid wastes at Browning Ferris Industries of Ohio's (BFIO's) CLD site, a construction and demolition debris landfill in Mahoning County. Another violation included unlawful acceptance and disposal of waste that could not be identified as construction and demolition debris.

In December 2004, Ohio EPA and the Ohio Attorney General's Office secured a judicial consent agreement which placed the landfill on a schedule to resolve the violations. The landfill can accept only locally generated construction and demolition debris, must limit daily disposal to 300 tons and must close by October 31, 2009.

Once the facility closes, it will follow the more stringent closure and post-closure requirements established for Ohio's solid waste landfills. The company also agreed to pay a \$261,396 civil penalty.

## 2004 Case Highlight

**Criminal Enforcement of Environmental Laws**

In May 2002, the City of Massillon notified Ohio EPA's Office of Special Investigations (OSI) that they had received elevated levels of chromium and zinc at their wastewater plant from Rees Plating. This was unusual because the company was only supposed to send sanitary wastewater to the City's plant, not industrial waste.

In September 2002, OSI executed a search warrant at the facility. Investigators found that employees at Rees Plating had run a pipe from one of the pretreatment tanks to the vent pipe in the women's bathroom. This allowed partially treated wastewater to be pumped into the sanitary sewer.

In March 2004, three individuals associated with the company and the company itself plead guilty to illegally discharging pollutants into the sanitary sewer. In total, the defendants received 10 months in jail, 16 months of home confinement, 18 months of probation, 38 months of supervised release, 300 hours of community service and \$10,000 in fines. The company was required to print a public apology in the *Canton Repository*.