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October 25, 2007

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 (NOV)

Dear Mr. Vandersall:

On September 20, 2007, three officials of Ohio EPA and two of Ohio EPA's experts observed violations of Ohio's regulations at Countywide RDF, located at 3619 Gracemont Street S.W., East Sparta in Stark County. Ohio EPA's team included Ed Gortner, Jeff Martin, and Gina Gerbasi, Dr. Timothy Stark of Stark Consultants, Dr. Carl Heltzel, and Dr. Thabet Tolaymat of US EPA. Weather conditions were warm with temperatures in the mid-80s, mostly cloudy, low winds, and no precipitation.

The purpose of the September 20, 2007 visit was to observe the installation of inclinometers and meet with Countywide representatives regarding work being performed under the March 28, 2007 Orders, as well as to assess other areas of the 88 Acres for landfill fire and aluminum dross reaction indicators.

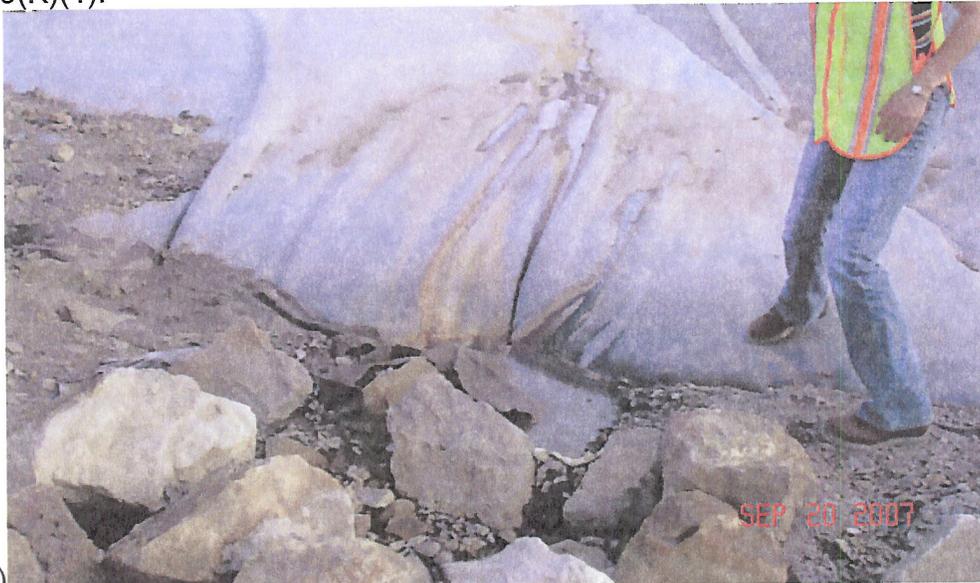
Ohio EPA and its experts observed the following violation:

OAC Rule 3745-27-19(K)(1): *If a leachate outbreak(s) occurs at a sanitary landfill facility, the owner or operator shall repair the outbreak(s) and do the following: (a) Contain and properly manage the leachate at the sanitary landfill facility, (b) If necessary, collect and dispose of the leachate in accordance with paragraphs (K)(5) and (K)(6) of this rule, (c) Take action to minimize, control, or eliminate the conditions which contribute to the production of leachate.*

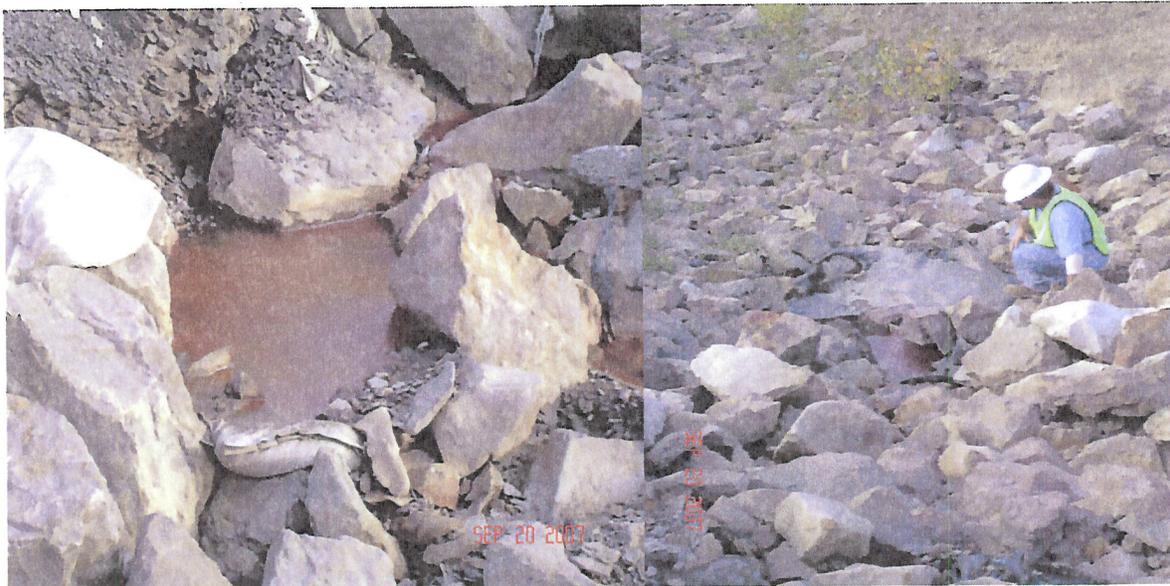
In the course of assessing other areas within the 88 Acres, Ohio EPA and the above listed experts observed a leachate outbreak originating from beneath the FML and discharging into the surface water drainage ditch near the side of Cell 7, north of Cell 4, and along the haul road. As noted in the photographs that follow, Ohio EPA and its experts observed leachate that had pooled underneath the FML and in various locations along the drainage ditch. A number of the rocks in the drainage ditch had red and orange staining near areas without standing leachate, indicating this leachate outbreak had been occurring over a period of time. These observations and Countywide's failure

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

to repair, contain collect and dispose of the leachate constitutes a violation of OAC Rule 3745-27-19(K)(1).



(a)



(c)

(b)

Clockwise from Above: (a) FML bulging with leachate underneath, (b) leachate outbreak pools along stormwater drainage ditch, (c) close-up view of leachate pool in ditch.

At the time Ohio EPA completed its assessment of the 88 Acres, Ohio EPA informed Mike Beaudoin of our observations related to the leachate outbreak described previously. Mr. Beaudoin indicated that he would evaluate the information and take the appropriate steps to correct any violations. After Countywide investigated this violation, Countywide offered that the leachate may have been stormwater trapped under the

FML. However, any liquid flowing under the FML and contacting the underlying waste is leachate per OAC Rule 3745-27-01(L)(1).

Ohio EPA's observations, as well as the observations of Ohio EPA's experts, and the photographic evidence presented in this letter, further serves to support Ohio EPA's position that the leachate outbreak Ohio EPA observed constitutes a violation of OAC Rule 3745-27-19(K)(1). Through subsequent conversations with the Stark County Health District, who conducted a follow up inspection on September 28, 2007, Ohio EPA understands that Countywide has redressed this violation between September 20, 2007 and September 28, 2007 and the leachate is no longer in the ditch nor pooled under the FML. As a result of these actions and confirmation from the Stark County Health District, it appears that Countywide has taken the steps necessary to correct this violation and return to compliance with respect to this issue.

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

OAC Rule 3745-27-19(E)(3)(a): *"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 March 28, 2007 Orders. 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 September 20, 2007, the fire is neither controlled nor extinguished; however, Ohio EPA acknowledges that Countywide RDF has entered into the March 28, 2007 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. Although Countywide RDF is undertaking extensive efforts to comply with the March 28, 2007 Orders, in the event that Countywide RDF falls delinquent in its performance under the March 28, 2007 Orders, be aware that further escalated enforcement action may follow to redress this serious violation.

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 ORC under the Federal Clean Water or Comprehensive Environmental Response, Compensation, and Liability Acts remedying conditions resulting from any release of contaminants to the environment.

Tim Vandersall
Page 4

If you have any questions regarding this letter, please feel free to contact me at (614) 644-2621, or by email.

Sincerely,

A handwritten signature in black ink, appearing to read "Ed Gortner". The signature is written in a cursive style with a large initial "E" and "G".

Ed Gortner
Environmental Supervisor
DSIWM-CO

EG/GG/sw

cc: CO Civil Enforcement Files
Ed Gortner, DSIWM-CO
Gina Gerbasi, DSIWM-CO
Jeff Martin, DSIWM-CO
Jeff Hurdley, Legal
Kurt Princic, DSIWM-NEDO
Kirk Norris, Stark County Health Department

ec: Todd Hamilton, CWRDF
Michael Beaudoin, EarthTech