



State of Ohio Environmental Protection Agency

COPY

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June 11, 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 (NOV)

Dear Mr. Vandersall:

On May 20, 2008, Ohio EPA and an Ohio EPA expert consultant observed violations of Ohio's regulations at Countywide RDF, located at 3619 Gracemont Street S.W., East Sparta in Stark County. Ed Gortner of Ohio EPA's Central Office and Dr. Timothy D. Stark of Stark Consultants, Inc. conducted a field walk over of the west slope of the 88 acres, Cell 7, and the north side of Cells 1 and 4. Weather conditions were mild with temperatures in the mid-60s, partly sunny, slightly breezy from the NW, and no precipitation.

The purpose of the May 20, 2008 visit was to meet with Countywide representatives regarding specific aspects of the pending Data Reduction Requests, South Slope Investigation, Conceptual Capping Work Plan, and submittals required by the March 28, 2007 Orders, as well as to assess other areas of the 88 Acres for landfill fire and aluminum dross reaction indicators, slope stability and odor indicators, and to observe the leachate outbreak area involved in the release of leachate that occurred April 26th and 27th of 2008.

In the course of conducting the field walk over, Ohio EPA and Dr. Stark observed several small leachate outbreaks originating down slope of PW-314 in Cell 7 and flowing into small leachate pools on the ground surface along the bench down-slope of PW-314. Based upon the recent slope regrading activities in certain areas, it appears that the operator attempted to address the outbreaks. Unfortunately, based on these observations, the previous corrective efforts proved unsuccessful.

The operator's failure to minimize, control or eliminate the conditions which contribute to the production of leachate constitutes a violation of OAC Rule 3745-27-19(K)(1)(c) which states,

"If a leachate outbreak(s) occurs at a sanitary landfill facility, the owner or operator shall repair the outbreak(s) and do the following:

(c) Take action to minimize, control, or eliminate the conditions which contribute to the production of leachate."

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

OKAERA



(a)



(b)



(c)

From top to bottom: (a) leachate flowing onto slope bench, (b) leachate outbreak pools along bench, (c) gas and leachate exiting slope in Cell 7.

Ohio EPA and Dr. Stark also observed several pools of standing leachate within the rock let-down structure in the area where the leachate outbreak occurred in late April 2008 (see photos below). In addition, Ohio EPA and Dr. Stark observed leachate pooling in the stormwater drainage swale that leads to a stormwater sedimentation basin. Based upon these observations, it appeared this leachate was fresh which further indicated an ongoing release of leachate to the stormwater conveyance structure and drainage swale. These stormwater structures are not designed nor permitted to control, store, or transfer leachate. The operator's staff revealed that further remedial efforts in this area are being evaluated. Nevertheless, the operator's failure to properly manage the leachate constitutes a violation of OAC Rule 3745-27-19(K)(1)(a) which states,

"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".*



(a)



(b)

(c)



(d)

From top to bottom: (a) leachate pool in upper portion of rock let down, (b) leachate pool in mid portion of rock let down, (c) leachate pool in lower portion of rock let down, (d) drainage swale with leachate.

In the weeks since Ohio EPA and Dr. Stark observed the above leachate violations, Countywide has submitted the following photographs depicting their efforts to correct these violations. Ohio EPA will need to conduct field verification that these violations have been redressed.



May 21, 2008 Photo of leachate repair in Cell 7

Ohio EPA and Dr. Stark observed ponding water North and East of the main haul road in Cells 4 and 1. The operator's failure to take actions to correct and establish positive drainage of stormwater constitutes a violation of OAC Rule 3745-27-19(J)(3) which states,

"If ponding or erosion occurs on areas of the sanitary landfill facility where waste is being, or has been, deposited, the owner or operator shall undertake actions as necessary to correct the conditions causing the ponding or erosion."



Photo of Ponding in Cell 1

In the weeks since Ohio EPA and Dr. Stark observed this violation, Countywide has submitted the following photographs depicting their efforts to correct this violation. Ohio EPA will need to conduct field verification that this violation has been redressed.



May 30, 2008 Photo of Cell 1

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 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 May 20, 2008, 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. 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.

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.

If you have any questions regarding this letter, please feel free to contact me at (614) 728-5350, or email me ed.gortner@epa.state.oh.us.

Sincerely,



R. Edwin Gortner, RS
Environmental Supervisor/Division Enforcement Coordinator
Division of Solid and Infectious Waste Management

cc: CO Civil Enforcement Files

Pam Allen, DSIWM-CO
Nick Bryan, AGO-EES
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Kurt Princic, DSIWM-NEDO
Kirk Norris, Stark County Health Department
Jim Augustyne, US EPA
Dr. Tim Stark, Stark Consultants, Inc.

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