

DSIWM GUIDANCE

SUBJECT: Preparation of a Notice of Violation (NOV) letter

RULE: Applicable Chapters of Ohio Administrative Code (OAC)
and Ohio Revised Code (ORC)

DATE: September 30, 1994

Purpose of this Guidance:

In an effort to standardize DSIWM's compliance monitoring and enforcement program, the Ohio EPA has developed guidelines for the preparation of a Notice of Violation (NOV) letter. These guidelines for a NOV letter should be used by the health departments on the Director's approved list and Ohio EPA personnel when notifying an entity of violations at a particular facility or when notifying an individual in cases of open dumping or open burning.

This guidance seeks to:

- (1) Clearly identify the time and circumstances of the inspection.
- (2) Clearly state the violations observed.
- (3) Establish a time frame for a response to the NOV letter.
- (4) Document compliance status of the facility/site.
- (5) Deliver a formal and effective notice of non-compliance to the regulated community in a professional tone.

Content of the NOV letter:

A. Opening

- . Date of inspection.
- . All parties present during the inspection.
- . Reason for the inspection - complaint, follow-up, etc.
- . Type of inspection - comprehensive or partial.
- . Specific areas of the facility/site inspected.

B. Findings

- . Describe specifics of each violation.
- . List rules/statutes violated using correct citations and rule/statute language.

C. Time frame for response

- . Request that the entity respond in writing to the NOV letter within a certain time frame (typically 14 days).

Note: Do not state that the entity has a certain number of days to “come into compliance”. As inspectors, we do not have the ability to exempt entities from rule requirements. The entity may construe this **to** mean that it has the Health Department’s/Ohio EPA’s permission to be out of compliance during this time.

Note: All NOV’s should also include the following standard disclaimer paragraph:

Compliance with the requirements outlined in this letter, or the solid and infectious waste provisions contained in ORC Chapter 3734 and the rules promulgated thereunder, does not relieve you of your obligation to comply with other applicable State and Federal laws and regulations.

Note: If the inspector feels that based on his/her best judgment that disposal in a wetland or other waters of the state is occurring, then the following paragraph should be used:

In addition, the area in which you are disposing these materials may be a wetland (or another surface water). Both Federal and State law prohibit any discharge of dredged or fill material, including materials such as construction and demolition debris, from being disposed into waters of the state, including wetlands, unless prior authorization has been obtained from the U.S. Army Corps of Engineers and the Ohio EPA. Please contact your U.S. Army Corps of Engineers District Office for further information. By copy of this letter, this office is notifying the Corps and the Ohio EPA Division of Surface Water of this issue for their consideration.

D. Copy of inspection checklist

- . Attach a copy of the inspection checklist to the NOV letter. (optional)

Common Questions & Answers (Q&A):

Q1: If there are no violations found at the time of the inspection, should a letter be sent?

A1: If no violations are observed at the time of the inspection, a letter similar to the NOV letter should be sent to the entity indicating such.

Q2: What review procedures should be done before sending the NOV letter to the entity/facility/site?

A2: The NOV letter should be reviewed for; (1) accuracy of violations cited and (2) for professional tone. (See sample letters)



State of Ohio Environmental Protection Agency

Northwest District Office

347 North Dunbridge Road
Bowling Green, Ohio 43402
(419) 352-8461 FAX (419) 352-8468

George V. Voinovich
Governor

Re: Henry County
Henry County Landfill
Solid Waste

February 17, 1994

RECEIVED
OHIO EPA

Henry County Commissioners
Courthouse
660 N. Perry Street
P.O. Box 546
Napoleon, Ohio 43545

FEB 22 94

DIV. of SOLID & INF. WASTE MGT.

Dear Commissioners:

On February 8, 1994, Elisa Olien, Sandra Bush, and I of the Ohio EPA conducted a follow up inspection of the Henry County Landfill to identify if violations noted in a January 5, 1994 inspection were corrected, and to determine the status of compliance with solid waste regulations and the Environmental Improvement Permit to Install (EIPTI), issued in June of 1992. On the day of the inspection, Stacy Cvermier (landfill manager) was not at the facility due to illness in his family. Dave Peterson was standing in for Mr. Cvermier in his absence. No landfill personnel accompanied the Ohio EPA during the inspection. Only two people were operating the facility, one in the scale house and one at the working face. The weather was overcast, cold, with heavy winds and fresh snow. Results of the inspection were discussed with Mr. Peterson.

The January 5, 1994, inspection identified a working face that was very large (estimated 20,000 ft²). The area of the working face has been greatly reduced and was in compliance with the width stated in the EIPTI. The length of the working face was also adequate.

There was evidence that some daily cover had been applied to the working face the preceding day. The cover applied was inadequate, as large amounts of waste were exposed on the southern edge of the working face. While the condition of the working face was improved since the last inspection, the facility is still not in compliance with daily cover requirements. Also, exposed waste from the preceding day was visible at the base of the drop off area. Waste that remains in the drop off area that is not completely moved to the working face, must be covered with daily cover. Daily cover must consist of at least six inches of soil and be applied at the end of every work day. The Henry County Landfill is in violation of OAC Rule 3745-27-09 (F)(1)(b) for failure to apply adequate daily cover.

The working face direction was east to west rather than north to south. The approved EIPTI states that waste placement will begin at the southwest end of the EIPTI area and proceed northward. After a 35 ft. wide strip has been filled, operations are to reverse direction and proceed southward. By deviating from the phasing stated in the permit, the facility is in violation of the EIPTS and OAC Rule 3745-27-09 (A). It is understood that the EIPTI method of waste placement may be difficult to achieve due to the drop off method of waste deposition. However, in order to maintain compliance with the EIPTI, the currently approved phasing must be followed until alternate operating procedures are approved by Ohio EPA.

During the inspection, it was noted that grade stakes were recently placed on the **west** side of the EIPTI area. On average, an 8-10 foot cut is necessary in most places to return the height of the area to that permitted in **the** EIPTI. The depth of the cut needed was indicated on the grade stakes. Older grade stakes that were set in the same area indicate that a possible overfill was evident prior to the recent findings **of** Ohio EPA. These older stakes suggest that the facility was aware of a possible overfill and failed to investigate further, take corrective action as appropriate, and notify Ohio EPA. Early notification of this potential problem would certainly have allowed for the necessary time to develop and implement a resolution prior to realizing a disposal crisis.

Mr. Peterson stated that **Mr.** Overmier had taken action to improve the erosion problem on the west and north slopes, in response to the notice of violation sent to the Henry County Commissioners by the Ohio EPA on January 28, 1994. According to Mr. Peterson, Mr. Overmier scraped the surface **of** the eroded area on Saturday February 5, 1994 to fill erosion/ruts. No further action had been taken at the time of the follow up inspection. Continuing action to resolve this violation is necessary **as required by OAC Rule 3745-27-W (N)(2).**

The facility had taken no action to provide protection against erosion on intermediate cover areas noted in the previous inspection. The Henry County Landfill is **in** violation of OAC Rule 3745-27-09 (F)(2) for **failure** to provide erosion protection to intermediate cover areas.

Drainage ditches noted in the previous inspection have not been constructed in accordance with the EIPTI. The Henry County Landfill is in violation of OAC Rule 3745-27-09 (A) for failure to properly construct a surface water management system as outlined in the EIPTI.

Mr. Peterson was not able to locate the EIPTI that is required by OAC Rule 3745-27-19 (0) to be available at the landfill. The EIPTI should be kept in the landfill office where personnel and Ohio EPA can access it. Landfill personnel should **be** familiar with the **EIPTI's** location and contents to facilitate compliance with the permit and applicable regulations. The Henry county Landfill is in violation of OAC Rule 3745-27-19 (0) for failure to make a copy of the plans **available** to Ohio EPA.

In some **areas** where cover had been stripped, ponding of surface water had occurred. OAC Rule 3745-27-09 (N)(1) requires that surface water be diverted from areas where solid waste is being or has been deposited, and that the landfill be properly graded to ensure minimal infiltration of water through cover material. At the **time** of the follow up inspection, pumps had been used to move the water to the surface water drainage ditch. All of the water was not removed **due** to weather constraints. The Henry County Landfill is in violation of **OAC** Rule 3745-27-09 (N)(1) for failure to divert such water accumulation. Continuing action should be taken, as soon as weather permits, to eliminate the ponding and regrade the area so that surface water flows directly to appropriate drainage courses.

Litter had blown away from the working face! and containment fences. Litter was scattered around the site, but had not blown off site. The litter that had accumulated on the northeast containment fence, the day before the inspection, was still present and was blowing **around** the site due to changing **wind** conditions. Permit condition number 15 requires that all ditches, trees, and litter **fences** be cleaned at least daily, or more frequently as needed. Though the litter problem at the site has been greatly reduced from that of previous inspections, the facility is still in violation of Condition Number 15 of the EIPTI and OAC Rule 3745-27-19 (F). Continuing action should be taken to return the facility to compliance with these regulations.

No **leachate** outbreaks were observed during the inspection. The **leachate** collection pump that had been ordered had not been received at the time of the February 8, 1994 inspection. The level of **leachate** in the sump was fairly high at the time of inspection. **Leachate** is removed weekly, using a portable pump, and transferred to a treatment facility. According to **Mr** Peterson, **leachate** could not be hauled to the treatment plant due to problems at the treatment facility. The level of **leachate** in the sump should be monitored to insure that overflow of **the** manhole does not occur. If the treatment plant continues to have problems, the **leachate** can be pumped into the underground **leachate** storage tanks. If the treatment plant is not accepting the **leachate** for a long period of time, the Henry County Landfill should identify an alternate treatment facility.

Portions of the 1974 permitted area are still in need of vegetative cover. As soon as weather permits, seeding in these areas should take place. OAC Rule 3745-27-11 (G)(1)(c) requires that a dense vegetative cover be maintained on areas that have been final capped. Failure to reseed or take other appropriate actions to establish a dense vegetative **cover**, when weather permits, will place the landfill in violation of this rule.

The construction quality assurance (**CQA**) plan for the perimeter **leachate** collection system (LCS) design called for preparation of a final CQA report, which included as-built drawings of the LCS. This report was to be submitted to the Ohio EPA and the Henry County Board of Health. The report was to have been submitted within 45 days of the receipt of the letter dated January 28, 1994 from the Ohio **EPA to** the Henry County Commissioners. Mr. Jim Holtsberry notified this office by telephone, that the Ohio EPA's copy **of** the CQA report was sent to the Henry County Board of Health. Mr. Holtsberry will be forwarding this report to the Ohio EPA.

Some trenches in the 1974 permitted area are over the permitted height and depth. A section in the northwest corner is also out of the approved area. This is a violation of the 1974 permit to install and **OAC** Rule 3745-27-19 (A). These violations have been noted previously beginning in September of 1988, but the issue has **not** been resolved by any formal enforcement process.

Henry County **Commissioners**

February 17, 1994

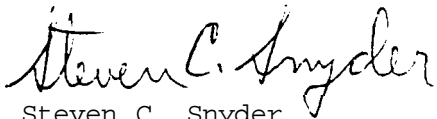
Page Four

Condition Number 14 of the EIPTI' requires a monthly **inspection and** inspection report for the surface water control structures, pipes, ditches and culverts. The above must be inspected for erosion, clogging, or failure, and prompt corrective **measures taken, if needed. A log including** the inspection results **and** any corrective measures **must be maintained** and submitted to the Ohio EPA upon request. This log **was not available, placing the facility** in violation of Condition Number 14 of the EIPTI and OAC Rule **3745-27-09 (A)**.

The eastern fence gate, that was not secured at the time of the previous inspection, has been secured with a padlock to prevent unauthorized entry to the facility.

In summary, the County should continue actions to return the facility to compliance with the above stated regulations. The County should respond to this notice of violation. The response should include a description of action5 that will be or **have** been taken to return the facility to compliance with the **solid waste** regulation5 and the approved permit. A schedule for completion of activities should **also** be included. If you have any questions, please contact **me** at the Northwest District Office of the Ohio EPA. Your prompt attention to these matters is appreciated.

Sincerely,



Steven C. Snyder
Division of Solid and
Infectious Waste Management

/tsh

pc: Sharon Gbur, DSIWM, CC
Hans Schmalzried, Henry County Health Department
John Browning, **MEC**
Henry County Landfill Inspection File



State of Ohio Environmental Protection Agency

Northwest District Office

347 North Dunbridge Road
Bowling Green, Ohio 43402
(419) 352-8461 FAX (419) 352-8468

George V. Voinovich
Governor

Re: Huron County
Huron County Landfill
inspection Notice
Correspondence

September 13, 1994

RECEIVED
OHIO EPA

Huron County Commissioners
180 Milan Avenue
Norwalk, Ohio 45857

SEP 15 94

ENVIRONMENTAL & INF. WASTE MGT.

Dear Commissioners:

On July 18, 1994, I inspected the Huron County Landfill. The inspection started at approximately 9:20 am and ended at approximately 1:00 pm. The weather started out partly cloudy, dry and warm. It started to rain towards the end of the inspection.

Mr. John Pasquarrette, of our office accompanied me on the inspection. Mr. Rock Prater the landfill manager and Gene the operator also accompanied me on the inspection. During the inspection Commissioner Seitz and Russ Sword, the County Administrator stopped to talk with me, as well as two reporters from local newspapers.

Please see the enclosed map for the areas of the landfill that were inspected. The comments below apply only to the areas of the landfill inspected. The absence of a comment in this letter regarding any conditions at the landfill at the **time** of the inspection does not infer that no violations existed.

1. Litter

The litter control at the facility was excellent. There were two rings of litter fencing around the active area of the landfill. One employee picking up litter was seen during the inspection, as were numerous bags of bagged litter. No litter was observed outside of the litter fencing.

2. Intermediate Cover

During the inspections several test pits were dug into the intermediate cover at the facility in or near the active area of the landfill. The intermediate cover met or exceeded the OAC requirements of one foot thick in all test pits.

3. Leachate Outbreaks

The landfill has a history of chronic leachate outbreaks along the south and east sides of the 1988 PTI area. At the time of the inspection I observed that the patches on the south side of the 1988 area were holding and had been seeded. No leachate was observed in any area of the landfill that was inspected. The Agency has received design drawings for a perimeter leachate collection system in this area of the landfill which will address this problem more permanently. We anticipate having the plans reviewed by the end of September 1994.

4. Vegetation.

Overall the closed areas of the landfill were well vegetated and maintained. However, along the west side of the landfill there were four areas that lacked a vigorous, dense growth of vegetation as required by Ohio Administrative Code (OAC) 3745-27-08(C) (15) (e) which states in part: Healthy grasses or other vegetation shall form a complete and dense vegetative cover.

- A. The first area was located on the west side of the landfill approximately 500 feet south of the scale house near the toe of the slope. The cap had been damaged by a compactor in that area. Two sets of ruts approximately 20 feet long were present. Please repair the cap in this area and revegetate as needed.
- B. The second area was located on the west side of the landfill approximately 1,000 feet south of the scale house. The area of poor vegetation started at the toe of the slope and continued east up the slope approximately 300 feet, towards the active area of the landfill. The areas showed stressed vegetation, moss growth, and some sheet erosion. This area may need to have gas vents installed in order to establish and maintain good growth of vegetation.
- C. The third area of poor vegetation was located on the west side of the landfill approximately 1,400 feet south of the scale house, near the crest of the area. The vegetation was poor to missing in this area. No evidence that erosion was causing the problem was present.

- D. The fourth area of poor vegetation was located immediately west of the third area. The shoulder of the slope of the landfill was devoid of vegetation. This area of the landfill has historically had problems with leachate outbreaks, stressed vegetation, and erosion. The slope in this area of the landfill is excessive, probably being 2:1 or steeper. The commissioners should undertake the necessary actions to get the leachate, gas, and erosion under control in this area of the landfill. If the steep slope is over waste, the trees growing in the cap should be removed, and slope regraded to make it flatter. Failure to address this area of the landfill may result in further actions by the Health Department or the Ohio EPA.

Failure to establish and maintain a complete and dense vegetative cover in these four areas is a violation of OAC 3745-27-08(C)(15)(e). Please take whatever measures are necessary to establish appropriate vegetation in these areas immediately.

5. Erosion

Overall the landfill has been well protected from erosion. However, two areas of the landfill were not protected from erosion as required by Ohio Administrative Code (OAC) 3745-27-19(J) (4) which states:

If ponding or erosion occurs on areas of the sanitary landfill facility where solid 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.

- A. The first area of erosion is the west side of Area 1 of the March 17, 1988 PTI. There were at least seven significant erosion rills extending from the toe of the slope approximately half way up the slope. During a previous inspection earlier this Spring it was mentioned to the manager that the slope in this area needed to be repaired. The worst erosion rill on the slope has been repaired, but the remaining areas of erosion have not.
- B. The second area of erosion is the north slope of the active area of the landfill. The area has uniform erosion rills approximately every 20 feet along the entire north slope, near the area where the diversion berm will be once the area is closed.

The owner or operator has not undertaken actions as necessary to correct the conditions causing the erosion and is therefore in violation of OAC 3747-27-19(J) (4).

6. **Engineered Components**

Most of the engineered components of the landfill that were inspected were well maintained. However, the sed basin south of Area 1 of the March 17, 1988 PTI has been compromised to the point of being useless. There were saplings and weeds growing in the sed basin. The water level was very low, especially considering it had rained the night before. The dewatering pipe is possibly open. Both the interior and exterior berms were significantly and thoroughly eroded. A large pile of stone was dumped over an area where the dewatering outlet is supposed to be. The primary spillway has a large hole cut into it one to two feet below the top of the riser. Failure to maintain the integrity of the sed basin is a violation of OAC 3745-27-19(E) (26) which states:

The owner or operator shall maintain the integrity of the engineered components of the sanitary landfill facility and repair any damage to or failure of the components. "Engineered components" includes the **components** described in rule 3745-27-08 of the Administrative Code and components of the monitoring system(s) installed in accordance with rule 3745-207-10 of the Administrative Code.

The Commissioners will remain in violation of OAC 3745-27-09(E) (26) until the sed basin is repaired to comply with its original design as required by the March 17, 1988 PTI, or is replaced with the new sed basin specified in the February 23, 1994 PTI.

7. **Vectors**

There were hundreds of seagulls and several buzzards on the landfill's active area and working face. There were bones from large animals scattered about the facility, which were probably dropped there by birds flying away from the working face with them and dropping them. If the **owner or operator** does not take effective measures to strictly control the birds at the working face and in the active areas of the landfill it will be a violation of OAC 3745-27-19(E) (7) which states:

The owner or operator shall manage the facility in such a manner that the attraction, breeding, and emergence of insects, rodents, and other vectors are strictly controlled so as not to cause a nuisance or a health hazard. The owner or operator shall initiate effective supplemental vector control measures as deemed necessary by the health commissioner or the director or their authorized representatives.

Please implement effective measures to strictly control the birds at the working face, and prevent the spread of solid waste by them.

8. Working Face

The working face at the time of the inspection was approximately 30 feet wide by 400 feet long running roughly east to west. There was also a north/south area of the working face which was created by the dumping area (see the attached map). The actual gate receipts of the landfill are less than 200 tons per day. A working face this large for the amount of waste be deposited is in violation of OAC 3745-27-19(E) (4) which states:

The owner or operator shall confine unloading of waste materials to the smallest practical area and shall ensure that unloading is supervised by competent operating personnel.

The operator stated that the reason the working face was so large was because the haul roads were too wet from the previous night's rain. Therefore, he was having customers dump at the all weather dumping area, and pushing the waste south and then east up the working face, in order to preserve space in the pit. This unacceptable. If the haul roads to the working face are not all weather roads, then an area designated for inclement weather is to be used, which is serviced by all weather roads, and has adequate cover available- as required by OAC 3745-27-(E) (1) which states:

The owner or operator shall ensure preparations have been made such that, during inclement weather, the sanitary landfill facility is able to receive, compact, and cover incoming solid waste. The preparations shall include, but need not be limited to, designation and preparation of areas where solid waste will be deposited, compacted, and

covered during inclement weather, construction and maintenance of all-weather access roads leading from the point(s) where loaded vehicles enter the site to the inclement weather areas, and stockpiling of cover material.

Please take the appropriate actions as necessary to provide either all weather roads to each days working face, or properly designate and operate- an inclement weather area at the landfill.

9. Daily Cover

A large portion of the active area of the landfill east and north of the working face (see attached map) had large amounts of exposed waste. The daily cover in this area of the landfill was inadequate. This is a violation of OAC 3745-27-19(F) which states in part:

Daily cover shall be applied to all exposed solid waste by the end of the working day to control fire hazards, blowing litter, odors, insects, vectors, and rodents. in no event shall solid wastes be exposed-for more than twenty-four hours after unloading.

Although the daily cover was much improved compared to past practices at the landfill it was still inadequate in the area indicated on the enclosed map. Please make sure that all wastes are covered adequately at the end of each working day.

10. Construction Compliance

During the inspection I questioned the operator, Commissioner Seitz and Mr. Sword regarding possible placement of waste outside of the permitted limits of waste placement, as well as waste being placed too high. it appears at this time, based on information received from Mr. Sword and the landfill manager that there is sufficient reason to believe that waste has been placed in unauthorized areas of the facility; as well as being -placed too high,

The information supplied indicates that waste may have been placed as much as 50 feet too far north and 120 feet too far east. The placement of the waste too far north may have encroached into the 1,000 foot setback from wells in the area. The waste may also be placed from 2 feet to 14 feet too high in the north area of the 1988 PTI area of the landfill. Please see the enclosed map. The out of bounds waste is in solid blue, the overheight area is blue striped.

The Ohio EPA is requesting the Commissioners to conduct an investigation to determine the precise vertical and lateral limits of all waste placed since the issuance of the PTI in 1988. The Ohio EPA requests a certification report from an independent, qualified professional, which includes:

plan sheets showing the vertical and horizontal limits of waste placement compared with the permitted horizontal and vertical limits of waste placement.

plan sheets showing where the FML lined/Leachate collected cell was actually built in comparison with where it was authorized to be built.

the method used to verify the lateral and vertical limits of waste placement. A-physical investigation using test pits and surveying, or some other direct method of measuring is expected.

an evaluation of what volume of waste has been placed incorrectly, if any.

an approximate timeline showing when the out of bounds was placed, and when the commissioners or landfill personnel had knowledge of the unauthorized filling.

plan sheets with a scale equal or larger than 1 inch equals 100 feet, and contour intervals of two feet or less.

The initial fill area of the PTI issued in February 1994 includes portions of the previously filled areas from the March 1988 PTI. Therefore, it is of urgent, necessity that the commissioners complete and submit the certification report as soon as possible in order to be able to proceed with construction of the initial phase of the new PTI.

If it is verified that solid waste has indeed been placed outside of the authorized area the commissioners will be in violation of OAC 3745-22-19(C) which states in part:

The owner or operator shall conduct construction and operation at a sanitary landfill facility in strict compliance with the applicable authorizing document(s), including permit(s) to install, a plan approval, an operational report, an approved closure plan, an alteration(s) concurred with in writing by the Ohio EPA, or a document(s) listed in paragraph (F) (1) of rule 3745-27-09 of the Administrative Code..

11. Landfill Manager Experience

As part of the information given to me by Mr. Sword regarding the landfill was an opinion by Ms. Janet Henry regarding Landfill Operator Certification. Mr. Sword asked me to comment on that opinion.

I agree with Ms. Henry's assertion that although the Ohio Revised Code (ORC) requires landfill operators to be certified, no rules, or certification program has been established by the Director of the Ohio EPA. Therefore, a landfill manager cannot be certified at this point in time. I would like to point out though that several OAC rules do require "competent" personnel that are "familiar" with the PTI and the OAC. See OAC 3745-27-19(E) (4), 3745-27-07(A) (2), and 3745-27-07(A) (3) for examples of these requirements.

If the appropriate personnel and resources are not devoted to construction and operation of a landfill, serious non-compliance can occur very quickly. The competence and experience of the manager on-site and his or her authority to get the job done to obtain compliance has possible significant effects on environmental protection, public health, and the safety of landfill employees and customers. The Agency's concern with making sure a competent, knowledgeable, and experienced manager is at the site is increased- especially at a site that has a history of violations.

12. Explosive Gas Extraction System

It was indicated by landfill personnel that the extraction system has been operating without the flare being lit. I was told this was done because the level of explosive gas being withdrawn by the system was not sufficient to burn. This may be a violation of the landfill's air permit. A referral to the Ohio EPA, Division of Air Pollution Control has been made.

13. Landfill Construction

It was reported to me during the inspection that the estimated life expectancy of the landfill for the current filling area is between November 1994 and April 1995. The construction season is quickly drawing to a close. The commissioners are encouraged to proceed with construction of new disposal area as soon as possible, unless the commissioners are planning on not continuing to operate the landfill once the current area is full. Because the construction time is drawing to a close the commissioners are encouraged to develop an alternative disposal plan in case construction is not completed prior to running out of capacity in the current area.

14. Summary

The following violations were noted at the facility during the inspection.

Failure to establish and maintain a complete and dense vegetative cover in these four areas is a violation of CAC 3745-27-08(C)(15)(e).

Failure to undertake actions as necessary to correct the conditions causing the erosion at the landfill is a violation of OAC 3747-27-19(J)(4).

Failure to maintain the integrity of the sed basin is a violation of OAC 3745-27-19(E)(26)

- The large size of the working face compared to the amount of waste to be deposited at the facility is in violation of OAC 3745-27-19(E)(4)

The lack of daily cover on the active area of the landfill was inadequate. This is a violation of OAC 3745-27-19(F)

The commissioners must take all necessary actions to eliminate the above violations immediately.

Huron County Commissioners
September 13, 1994
Page Ten

Compliance with the requirements outlined in this letter or the solid and infectious waste provisions contained in ORC 3734 and the rules promulgated thereunder, does not relieve you of your obligation to comply with other applicable State and federal laws and regulations.

If you have any questions please call (419) 352-8461.

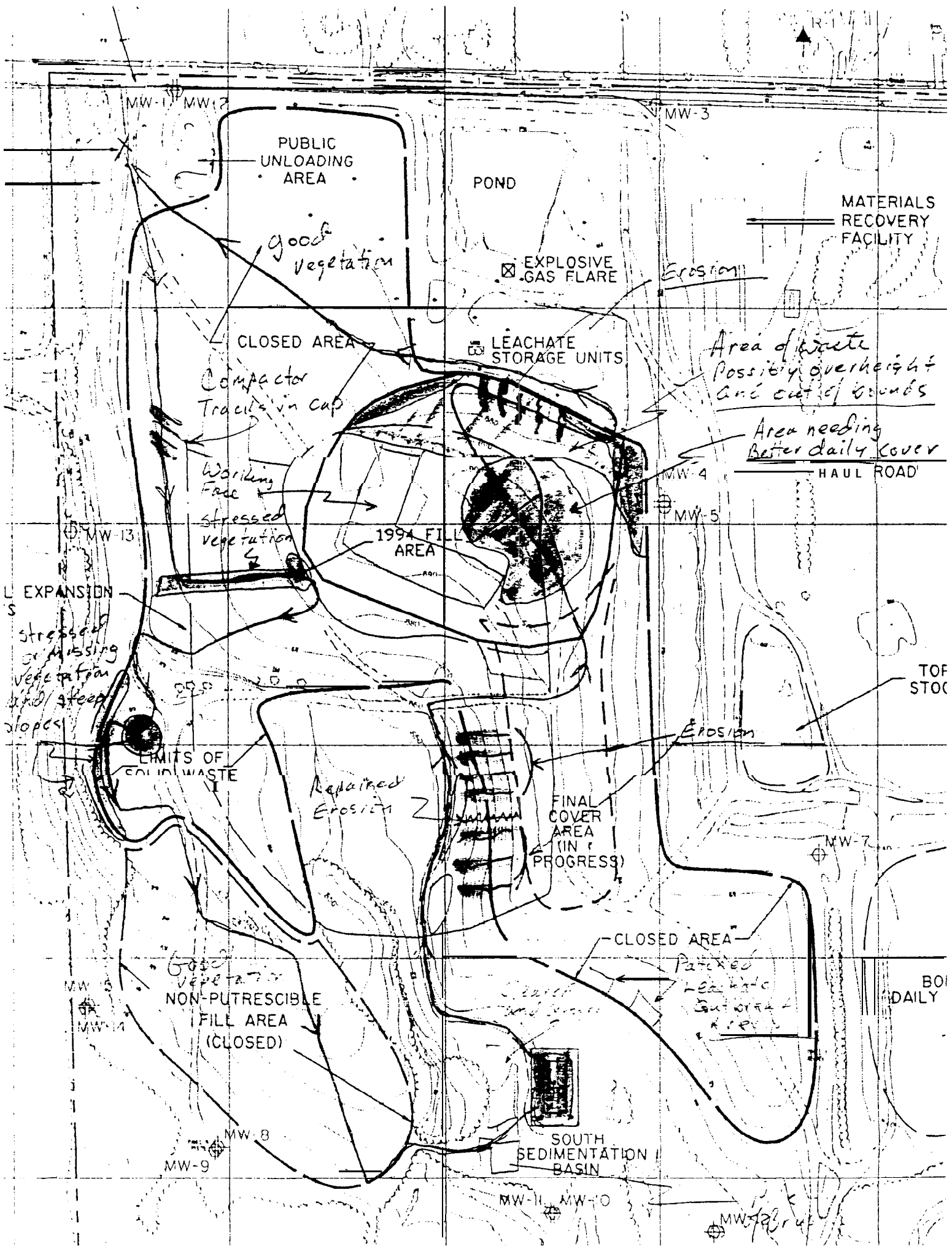
Sincerely,



Scott D. Heidenreich, R.S.
Division of Solid and Infectious
Waste Management

/rab

pc: Jack Jump, Huron County Health Department
Jeff Steers, NWDO Assistant Chief
Chuck Hull, NWDO, DSIWM, Unit Supervisor
Sharon Gbur, CO, DSIWM, Enforcement Unit
Jim Pasche, Hull and Associates
File: Huron County Landfill Inspection
RT/SS



MW-1 MW-2

PUBLIC UNLOADING AREA

POND

MW-3

MATERIALS RECOVERY FACILITY

good vegetation

EXPLOSIVE GAS FLARE

Erosion

CLOSED AREA

LEACHATE STORAGE UNITS

Area of waste possibly overweight and out of bounds

Compactor Tracks in cap

Area needing better daily cover

Working Face stressed vegetation

MW-4

MW-5

1994 FILL AREA

HAUL ROAD

L EXPANSION

stressed or missing vegetation and steep slopes

TOP STOCK

LIMITS OF FINAL WASTE

EROSION

Repaired Erosion

FINAL COVER AREA (IN PROGRESS)

MW-7

Good vegetation NON-PUTRESCIBLE FILL AREA (CLOSED)

CLOSED AREA

Patched Leachate Storage Area

BOILER DAILY

MW-13 MW-14

MW-8 MW-9

SOUTH SEDIMENTATION BASIN

MW-11 MW-10

MW-12



State of Ohio Environmental Protection Agency

Southeast District Office

2195 Front Street
Logan, Ohio 43136-9031
(614) 365-6501
FAX (614) 385-6490

George V. Voinovich
Governor

August 31, 1994

IRE: **MUSKINGUM COUNTY**
OPEN DUMPING
SOLID WASTE

RECEIVED
OHIO EPA

SEP 23 94

Daryl Krouskoupf
1995 Adamsville Road
Zanesville, Ohio 43701

Dear Mr. Krouskoupf:

DIV OF SOLID & INF. WASTE MGMT

The Southeast District Office of Ohio EPA has received a complaint alleging that you are conducting open dumping and burning of solid waste at the above address.

Open dumping and open burning of solid waste is a violation of Chapter 3734 of the Ohio Revised Code (ORC) and Chapter 3745-27 of the Ohio Administrative Code (OAC).

Specifically:

ORC 3734.03 - No person shall dispose of solid wastes by open burning or dumping.

OAC 3745-27-05(C) - No person shall conduct, permit, or allow open dumping.

Open dumping and open burning of solid waste should cease immediately. All solid wastes disposed at the described location should be excavated, removed from the property, and taken to a licensed solid waste disposal facility for proper disposal. Obtain copies of receipts from the landfill that received the waste and provide these copies to this District Office in order to document your compliance.

The disposal facility located nearest to you is the BFI-Muskingum Transfer Station at 2195 Adamsville Road in Zanesville. You may choose to contact and use other facilities as well.

Should you have questions, please contact me at this office.

Sincerely,

Jerry K. Roberts, R.S.
Environmental Specialist
Division of Solid and Infectious Waste Management

JKR/mr

cc: Bruce McCoy, DSIWM, CO
cc: Muskingum County Health Commissioner