



John R. Kasich, Governor
Mary Taylor, Lt. Governor
Craig W. Butler, Director

October 22, 2015

**RE: Lordstown Construction and Recovery
Notice of Violation (NOV)
NOV
Construction & Demolition Debris
Trumbull County
CDDL018743**

Lafarge North America, Inc.
8700 W. Bryn Mawr Avenue
North Tower Suite 300
Chicago, Illinois 60631

The Standard Slag Company
8700 W. Bryn Mawr Avenue
North Tower Suite 300
Chicago, Illinois 60631

Dear agents and officers of Lafarge North America, Inc. and The Standard Slag Co:

On February 10, 2015, a site inspection was conducted at Lordstown Construction Recovery Construction and Demolition Debris Landfill (Facility), located at 6205 Newton Falls-Bailey Road SW, Lordstown Village and Newton Township, Trumbull County. The inspection was conducted by Katharina Snyder and Clarissa Gereby, Division of Materials and Waste Management, and John Schmidt, Division of Surface Water, Ohio EPA, and Kevin Francis, Trumbull County Health Department (TCHD). Mark Schmidt and Timothy Wirtz, Lordstown Construction Recovery, LLC (LCR), were in attendance during the inspection. The purpose of the inspection was to evaluate the facility's compliance with respect to the terms and conditions of the facility's National Pollutant Discharge Elimination System (NPDES) permit; and also, to determine compliance with the requirements of Ohio Revised Code (ORC) Chapter 3714.

During the inspection, Ohio EPA discovered an unauthorized discharge of groundwater to a sedimentation basin. The ground water is being discharged from a dewatering system drawing water from beneath the western portion of the facility. The system discharges a reported average of 100,000 gallons per day (gpd) via a hose to the surface water retention pond located at the northwest corner of the landfill waste limits. Due to this discovery, Ohio EPA completed a review documents provided by LCR for the Facility. The purpose of this letter is to summarize Ohio EPA's findings and the impact of those findings upon the facility's compliance status with respect to the terms and conditions of the construction and demolition debris license, as well as the requirements of ORC Chapters 3714 and 6111 and the rules promulgated thereunder.

According to the June 12, 2015, as revised through August 14, 2015, Underdrain Connectivity Evaluation Work Plan from LCR, the results of testing performed to cease the underdrain pumping demonstrated that ground water flows into the disposal area. This is evident from the increased leachate generation rate to several times that of normal leachate generation. Therefore, the dewatering system is drawing from both the ground water and the leachate which is then pumped to one of the facility's main sedimentation ponds. The underdrain water contains

levels of ammonia that, when pumped to the pond, results in a discharge from the pond to waters of the state that exceeds water quality standards for ammonia.

Furthermore, test results of the ground water wells at the opposite, east side of the facility and samples of onsite sedimentation traps again show high levels of ammonia indicating that the shallower portion of the facility that has no underdrain system has also contaminated ground and surface waters.

The owners/operators are in violation of the following with respect to ORC Chapters 3714 and 6111. and the rules promulgated thereunder:

1. **ORC 6111.04** states, in part: *...No person shall cause pollution or place or cause to be placed any sewage, sludge, sludge materials, industrial waste, or other wastes in a location where they cause pollution of any waters of the state...; Such an action prohibited under division (A)(1) of this section is hereby declared to be a public nuisance...; and ...No person to whom a permit has been issued shall place or discharge, or cause to be placed or discharged, in any waters of the state any sewage, sludge, sludge materials, industrial waste, or other wastes in excess of the permissive discharges specified under an existing permit without first receiving a permit from the director to do so.*
2. **Ohio Administrative Code (OAC) 3745-33-02(A)** states, in part: *No person may discharge any pollutant or cause, permit, or allow a discharge of any pollutant without applying for and obtaining an Ohio NPDES permit in accordance with the requirements of this chapter. Any person who holds a federal NPDES permit issued under Section 402 (a) of the act is not required to obtain an Ohio NPDES permit until its expiration date. The director shall administer and enforce permits issued under Section 402 (a) of the act within this state, and may modify the terms and conditions thereof, in accordance with division (J) of section 6111.03 of the Revised Code. This includes discharging land application systems as defined in rule 3745-42-13 of the Administrative Code.*
3. **OAC 3745-33-02(B)** states, in part: *Each point source shall come under the Ohio NPDES permit system. This chapter shall be administered in a manner no less stringent than the act and regulations adopted or subsequently amended by the administrator including 40 C.F.R. 122 to 125, 129 to 133, 136, 400 to 471, 501 and 503. The director may issue a single permit covering more than one point source, but authorized discharge levels, monitoring requirements, and other appropriate requirements shall be specified for each point source.*
4. **OAC 3745-33-03(B)** states, in part: *Any person proposing to commence the discharge of pollutants shall file an application at least one hundred eighty days prior to commencement of the discharge. If a permit renewal application is submitted at least one hundred eighty days prior to the expiration date of the existing permit, and the director does not issue a new permit before the expiration date, the conditions of the expired permit shall continue in force until the director acts on the permit application.*
5. **OAC 3745-1-04(D)** states, in part: *To every extent practical and possible as determined by the director, these waters shall be... Free from substances entering the waters as a*

result of human activity in concentrations that are toxic or harmful to human, animal or aquatic life and/or are rapidly lethal in the mixing zone.

6. **OAC 3745-400-07(A) and 3745-400-07(A), eff. Aug. 31, 2002, state, in relevant part:** *The owner or operator shall submit the facility design plan required by this rule as part of the license application.*
7. **OAC 3745-400-11(B)(1) and 3745-400-11(B)(1), eff. Aug. 31, 2002, state:** *The owner or operator shall conduct all operations at the facility in strict compliance with the license, any orders, and other authorizing documents issued in accordance with Chapter 3714. of the Revised Code.*
8. **OAC 3745-400-07(B) and 3745-400-07(B), eff. Aug. 31, 2002, state:** *The owner or operator shall comply with all applicable construction specifications and performance standards required in this rule.*
9. **OAC 3745-400-07(C) and 3745-400-07(C), eff. Aug. 31, 2002,** *provides that the owner or operator shall meet all the construction and performance specifications of this rule with the following exceptions, specified in (C)(1) and (C)(2). The owner or operator does not meet the exceptions in (C).*
10. **OAC 3745-400-07(F)(4)(b) and 3745-400-07(F)(4)(b), eff. Aug. 31, 2002, state: [...]** *(b) The top of the uppermost aquifer system, if the owner or operator meets the criteria of paragraph (C)(1)(a) of this rule or is pursuing compliance with the provisions of paragraph (F)(5)(a) of this rule. The demonstration of the thickness and hydraulic conductivity of the in situ geologic material shall be based on the borings used for the site hydrogeology investigation required by paragraph (C)(5) of rule 3745-400-09 of the Administrative Code, [...]*
11. **OAC 3745-400-07(F)(5)(a)(i)-(v) and 3745-400-07(F)(5)(a)(i)-(v), eff. Aug. 31, 2002, state in relevant part: [...]** *"The recompacted soil liner shall, at a minimum include the following:*
 - i. *Be constructed and compacted to a thickness of twenty-four inches using loose lifts eight inches thick or less.*
 - ii. *Achieve a maximum permeability of 1×10^{-6} cm/sec for each lift of the recompacted soil liner.*
 - iii. *Not be comprised of solid waste or construction and demolition debris.*
 - iv. *Be placed on the bottom and the exterior excavated sides of the limits of debris placement.*
 - v. *Be constructed on a prepared smooth surface that shall do the following:*
 - a. *Be able to bear the weight of the facility and its construction and operations without causing or allowing a failure of the liner to occur through settling.*
 - b. *Be free of debris, foreign material, and deleterious material."*

and,

OAC 3745-400-09(A)(1) and 3745-400-09(A)(1), eff. Aug. 31, 2002, state: *"Site characterization for employment of the recompacted soil liner requirement. A*

recompacted soil liner, as described in paragraph (F)(5)(a) of rule 3745-400-07 of the Administrative Code, is required for all unfilled areas in a facility except when the in situ or added geologic material separating the uppermost aquifer system from the bottom of the leachate collection system in unfilled areas meets the criteria in paragraphs (A)(2) and (A)(3) of this rule and one of the following:

- (a) When, in a facility that was in operation or under construction on September 30, 1996, the in situ or added geologic material separating the uppermost aquifer system from all placed debris meets the criteria in paragraphs (A)(2) and (A)(3) of this rule.*
- (b) When the unfilled areas of a facility that was in operation or under construction on September 30, 1996, meet the requirements of paragraph (A)(1) of this rule and a barrier layer is constructed on existing placed debris in accordance with paragraph (F)(5)(d) of rule 3745-400-07 of the Administrative Code.*
- (c) When the unfilled areas of a facility that was in operation or under construction on September 30, 1996, meet the requirements of paragraph (A)(1) of this rule and a minimum 15-foot horizontal separation exists between existing placed debris and the limits of debris placement in unfilled areas."*

The owner or operator failed to install a recompacted soil liner in Cells 1-4 as specified by OAC 3745-400-07(F)(4)(b). The facility does not meet the criteria in paragraph (A) of OAC 3745-400-09 and the facility was not in operation or under construction on September 30, 1996; therefore, does not meet any exception from the requirement to install the recompacted soil liner.

12. OAC 3745-400-07(F)(5)(b)(i)-(iv) and 3745-400-07(F)(5)(b)(i)-(iv), eff. Aug. 31, 2002, state in relevant part: [...] *"The added geologic material used to establish isolation distances cited in rule 3745-400-09 of the Administrative Code shall at a minimum include the following:*

- i. Be constructed and compacted using loose lifts eight inches thick or less.*
- ii. Achieve a maximum permeability of 1×10^{-6} cm/sec for each lift of geologic material.*
- iii. Be able to bear the weight of the facility and its construction and operations without causing or allowing a failure to occur through settling.*
- iv. Be free of solid waste, debris, foreign material, and deleterious material."*

13. OAC 3745-400-07(F)(5)(e) 3745-400-07(F)(5)(e), eff. Aug. 31, 2002, state in relevant part: [...] *"Any permanent ground water control structures shall adequately control ground water infiltration through the use of non-mechanical means such as impermeable barriers or permeable drainage structures. However, no permanent ground-water control structures may be used to dewater an aquifer system."*

The owner or operator is in violation of 3745-400-07(F)(5)(E) for mechanically diverting groundwater from debris placement by use of underdrains and pumps.

14. **OAC 3745-400-11(F), OAC 3745-400-11(F)(2), OAC 3745-400-11(F)(3)(a), ORC 3734.03** for disposal of solid waste at the facility.
15. **OAC 3745-400-11(B)(1)**: states: *"The owner or operator shall conduct all operations at the facility in strict compliance with the license, any orders, and other authorizing documents issued in accordance with Chapter 3714. of the Revised Code."*
16. **OAC 3745-400-11(B)(3)**: states *"The owner or operator shall comply with the applicable construction specifications and performance standards contained in rule 3745-400-07 of the Administrative Code."*
17. **OAC 3745-400-11(B)(16)**: states *"The owner or operator shall not cause water pollution."*
18. **OAC 3745-400-11(Q)(1)**: states, *"Surface and ground water management. The owner or operator shall control surface and ground water to minimize the generation of leachate in the following manner: (1) The owner or operator shall divert surface and ground water from the active and inactive licensed disposal areas of the facility by nonmechanical means. The owner or operator shall not divert surface water under, over, or through disposal areas of a facility."*
19. **OAC 3745-400-11(P)(3)** states, *"The owner or operator shall manage and dispose of leachate in accordance with applicable regulations."*

Because of the seriousness of the conditions at the facility that are causing these violations to occur, Ohio EPA, NEDO will be making an enforcement referral of this case to our Central Office. In the meantime, the owners/operators must immediately begin taking the necessary measures to return to compliance with Ohio's environmental laws.

We anticipate we will be contacting you soon to set up a meeting to discuss these issues and hear your plans for returning to compliance.

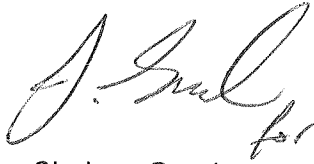
Please note that any proposed treatment of the contaminated ground water and leachate will require a Permit-to-Install application to be submitted to the Division of Surface Water for approval from Ohio EPA. Further, to the extent that the plan entails discharging treated effluent to waters of the state, an NPDES permit will need to be secured.

Failure to comply with Chapter 3714. and 6111. of the Ohio Revised Code and rules promulgated thereunder may result in a civil penalty of up to \$10,000 per day for each 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 entity from responsibility under Chapters 3704, 3714, 3734, or 6111 of the Ohio Revised Code or under the Federal Clean Water Act or the Resource Conservation and Recovery Act, or the Comprehensive Environmental Response, Compensation, and Liability Act or from other applicable requirements for remedying conditions resulting from any release of contaminants to the environment.

If you have any questions regarding this letter, please do not hesitate to contact Clarissa Gereby at (330) 963-1224 or John Schmidt at (330) 963-1175.

Sincerely,



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Division of Materials and
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John Schmidt
Environmental Engineer
Division of Surface Water

CG:JS:cla

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