

OHIO E.P.A.
AUG 15 2001

ENTERED DIRECTOR'S JOURNAL

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the matter of:

City of Tiffin
Municipal Building
51 E. Market Street
Tiffin, Ohio 44883

:
:
:
:
:

Director's Final Findings
and Orders

Respondent.

JURISDICTION

Pursuant to Ohio Revised Code ("ORC") Chapter 6111 and Section 3745.01, the Director of the Environmental Protection Agency ("Ohio EPA") hereby makes the following Findings and issues the following Orders.

PARTIES BOUND

These Orders shall apply to and be binding upon Respondent, its assigns and successors in interest. Respondent's obligations under these Orders may be altered only by the written approval of the Director of Ohio EPA.

FINDINGS

1. Respondent has had releases of contaminants to an unnamed tributary of the Sandusky River from the City of Tiffin Landfill located on County Road 90, Seneca Township, Seneca County, Ohio (hereinafter "Tiffin Landfill").
2. Ohio EPA received a verified complaint dated March 15, 1999, and assigned it verified complaint number SW-99-003. The verified complaint alleges that unpermitted discharges of contaminants from the Tiffin Landfill is resulting in surface and ground water pollution in violation of ORC Section 6111.04.
3. On at least March 25, 1999, April 13, 1999, May 10, 1999, and May 11, 1999, representatives of Ohio EPA investigated the Tiffin Landfill and found evidence of releases of contaminants from the Tiffin Landfill to an unnamed tributary of the Sandusky River. The unnamed tributary constitutes "waters of the state" as defined by ORC Section 6111.01.

I certify this to be a true and accurate copy of the official document as filed in the records of the Ohio Environmental Protection Agency

By: Denise Jackson Date 8-15-01

4. On May 11, 1999, Ohio EPA took samples of the discharges from the Tiffin Landfill and of the unnamed tributary of the Sandusky River within the proximity of the Tiffin Landfill. The results of the analysis of these samples show a surface water discharge containing pollutants which violate Ohio's Water Quality Standards set forth in Chapter 3745-1 of the Ohio Administrative Code (OAC).
5. On August 13, 1999, Respondent submitted to Ohio EPA a report entitled "Work Plan for Site Improvements for the Tiffin Landfill." The plan provides information regarding Respondent's proposed site improvements.
6. On October 1, 1999, Respondent submitted to Ohio EPA a report entitled "Work Plan and Field Sampling & Analysis Plan for the Tiffin Landfill." This plan provides information regarding a hydrogeologic and site characterization investigation.
7. In March 2000, Respondent submitted two reports, "Hydrogeologic Investigation for the Former County Road 90 Landfill" and "Site Characterization Investigation of the Former County Road 90 Landfill." The reports show that the Tiffin Landfill is impacting the ground water quality of a shallow sand unit. Portions of the shallow sand unit discharge to an unnamed tributary to the Sandusky River in the northeast corner of the property. The full extent of the contaminant plume within the sand unit to the north, east, and southeast is not known.
8. ORC Section 6111.04 prohibits the discharge of sewage, industrial waste, or other wastes to waters of the state except in accordance with a valid, unexpired permit from Ohio EPA. The discharges from the Tiffin Landfill constitute "other wastes" as that term is defined in ORC 6111.01(D). Respondent does not hold a National Pollutant Discharge Elimination System (NPDES) Permit for the aforementioned discharges from the Tiffin Landfill, and therefore, is in violation of ORC 6111.04.
9. The Director has given consideration to, and based his determination on, evidence relating to the technical feasibility and economic reasonableness of complying with these Orders and to evidence relating to conditions calculated to result from compliance with these Orders, and their relation to the benefits to the people of the state to be derived from such compliance in accomplishing the purposes of ORC Chapter 6111.

ORDERS

1. By June 15, 2001, Respondent shall submit to Ohio EPA a sampling report containing an analysis of all ground water sampling performed in accordance with Respondent's work plan. The analysis shall include a summary of the data, the raw data, and Respondent's recommendation that either the current monitoring well configuration is sufficient to characterize the hydrology around the Tiffin Landfill, or additional wells need to be installed.
2. By September 1, 2001, Respondent shall submit to Ohio EPA for approval a Corrective Measures Plan for the Tiffin Landfill designed to abate the release of contaminants to waters of the state within eighteen (18) months of approval of the Corrective Measures Plan. The Corrective Measures Plan shall include:
 - a. A work plan including a detailed description of landfill cap improvements and a work schedule with specific completion deadlines for the orderly completion of the improvements;
 - b. A water management plan including a detailed description of all water control structures and a work schedule with specific deadlines for the orderly completion of the structures;
 - c. A Performance Monitoring Plan to evaluate the ability of the corrective measures to abate the release of contaminants to waters of the state;
 - d. A contingency plan to establish criteria to trigger additional corrective measures which may become necessary to meet remediation goals.
 - e. An itemized reporting form/check list developed for use during the quarterly inspections of the work which is to have been completed and the overall areas of concern at the Tiffin Landfill; and
 - f. The name of the City of Tiffin official(s) responsible for scheduling and conducting the quarterly inspections required in Order No. 8, below.
3. Defendant shall implement the approved Corrective Measures Plan in accordance with the schedule(s) contained in the approved Corrective Measures Plan which, upon approval, is incorporated into these Orders as if fully rewritten herein.
4. Respondent shall By June 15, 2001, and in accordance with any necessary permits, Respondent shall complete interim work on the cap of the Tiffin Landfill. The interim work shall include, at a minimum, the filling of trenches located on

the south side of the Tiffin Landfill and the low-lying area located north of the trenches. By July 15, 2001, Respondent shall submit to Ohio EPA written certification that the interim work has been completed.

5. In the event Ohio EPA provides Respondent with a notice of deficiencies in the plans required by Order No. 2, Respondent shall submit to Ohio EPA, within thirty (30) days after receipt of the notice of deficiencies, revisions addressing the noted deficiencies. The Director may approve the revised plans as submitted or with conditions.
6. Starting after Ohio EPA approval of the Corrective Measures Plan, and by April 1 of each year, Respondent shall submit to Ohio EPA an annual report of the activities being conducted at the Tiffin Landfill as part of the implementation of the Corrective Measures Plan. The report shall contain a narrative of all the corrective measures that have been performed since the previous report and all data generated as part of the corrective measures at the Tiffin Landfill. Respondent shall continue to submit this report annually until the requirements of Order Nos. 6 and 7 have been met.
7. The performance monitoring required in Order No. 2 shall continue until the goals of the Corrective Measures Plan have been achieved as demonstrated by analysis results for three (3) consecutive years of semiannual monitoring of wells that are or were within the extent of the contaminant plume.
8. Respondent shall immediately perform one (1) dry weather and one (1) wet weather inspection each quarter until either eighteen (18) months have elapsed since completion of all corrective measures under the approved Corrective Measures Plan, or Respondent has demonstrated to the Director's satisfaction that the discharge of contaminants to surface waters has been abated, whichever period is longer. The wet weather inspection shall occur within forty-eight (48) hours after the end of a significant rainfall event.
9. Respondent shall provide to Ohio EPA, Northwest District Office, Division of Surface Water and Division of Solid and Infectious Waste Management notice of each inspection at least twenty-four (24) hours prior to the inspection so that Ohio EPA personnel may accompany the City of Tiffin official(s) during the inspections performed during each quarter pursuant to Order No. 8.
10. Respondent shall submit to Ohio EPA within thirty (30) days following the inspection, the reporting form/check list and narrative inspection report of the findings for each inspection performed during each quarter pursuant to Order No. 8. A request to change the frequency and/or requirements of the quarterly inspections may be made at the time the technical report is submitted.

11. Within ninety (90) days after completion of the corrective measures under the approved Corrective Measures Plan, Respondent shall submit to Ohio EPA written certification that the corrective measures have been completed in accordance with the approved Corrective Measures Plan. The certification shall be signed by an independent, registered professional engineer.
12. Respondent shall submit all documents required by Orders Nos. 1, 2, 4, 5, 6, 10, and 11 to Ohio EPA's Northwest District Office at the following address:

Ohio Environmental Protection Agency
Northwest District Office
347 North Dunbridge Road
Bowling Green, Ohio 43402
ATTN: DSW Enforcement Group Leader.

OTHER APPLICABLE LAWS

All actions required to be taken pursuant to these Orders shall be undertaken in accordance with the requirements of all applicable local, state, and federal laws and regulations. Nothing in these Orders shall be construed as waiving or compromising in any way the applicability and enforcement of any other statutes or regulations applicable to Respondent.

RESERVATION OF RIGHTS

These Orders do not prevent Ohio EPA from enforcing the terms of these Orders or from taking other administrative, legal or equitable action as deemed appropriate and necessary, including seeking penalties against Respondent for noncompliance with these Orders. These Orders do not prevent Ohio EPA from exercising its authority to require Respondent to perform additional activities pursuant to Chapter 6111 of the ORC or any other applicable law in the future. These Orders do not restrict the right of Respondent to raise any administrative, legal or equitable claim or defense for any additional activities that Ohio EPA may seek to require of Respondent. These Orders do not limit the authority of Ohio EPA to seek relief for violations not cited in these Orders.

TERMINATION

Respondent's obligation under these Orders shall be satisfied and terminated when Respondent demonstrates in writing and certifies, to the satisfaction of Ohio EPA, that all obligations under these Orders have been performed and the Ohio EPA's Division of Surface Water acknowledges the termination of the Orders in writing.

This certification shall be submitted by Respondent to the Northwest District Office (Attention: DSW Enforcement Group Leader) and shall be signed by a responsible official of Respondent. A responsible official is as defined in OAC Rule 3745-33-03(D)(1) for a corporation, OAC Rule 3745-33-03(D)(2) for a partnership, OAC Rule 3745-33-03(D)(3) for a sole proprietorship, and OAC Rule 3745-33-03(D)(4) for a municipal, state, or other public facility. The certificate shall contain the following attestation:

"I certify under the penalty of law that I have personally examined and am familiar with the information contained in or accompanying this certification, and based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the information contained in or accompanying this certification is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment."

WAIVER

In order to resolve disputed claims, without admission of fact, violation or liability, and in lieu of further enforcement action by the Ohio EPA for only the matters addressed in these Orders, Respondent agrees that these Orders are lawful and reasonable and that the schedules provided for compliance herein are reasonable, and Respondent agrees to comply with these Orders.

Respondent hereby waives the right to appeal the issuance, terms, and service of these Orders, and it hereby waives any and all rights it might have to seek administrative or judicial review of said Orders either in law or equity.

Notwithstanding the preceding, in the event that these Orders are appealed by any other party to the Environmental Review Appeals Commission, or any court, Respondent retains the right to intervene and participate in such appeal. In such event, Respondent agrees to continue to comply with these Orders notwithstanding such appeal and intervention unless said Orders are stayed, vacated, or modified.

SIGNATORY AUTHORITY

The undersigned representative of Respondent certifies that he or she is fully authorized to enter into the terms and conditions of these Orders and to legally bind Respondent to this document.

IT IS SO AGREED:
City of Tiffin, Ohio

Bernard Hohman
By BERNARD HOHMAN, MAYOR
Name and Title

July 12, 2001
Date

IT IS SO ORDERED AND AGREED:

Christopher Jones
Christopher Jones
Director

AUG 15 2001
Date