



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

February 8, 2019

Mr. James Lyon  
12500 West County Road 18  
Fostoria, Ohio 44830

Re: Sunny Farms Landfill LLC  
Notice of Violation (NOV)  
NOV  
Municipal Solid Waste Landfills  
Seneca County  
MSWL018786

**Subject: Notice of Violation**

Dear Mr. Lyon:

On February 6, 2019, the Ohio Environmental Protection Agency (Ohio EPA), Northwest District Office, Division of Material and Waste Management conducted an inspection of the Sunny Farms Landfill (Facility) in Fostoria, Ohio. John Pasquarette, Andy Drumm, and I represented Ohio EPA. Brian Chapman and Jose represented the Facility. This inspection was focused on the rail unloading building and the area surrounding it to investigate a complaint received by Ohio EPA. The goal of the inspection was to determine compliance with Ohio's laws as found in Chapter 3734 of the Ohio Revised Code (ORC) and Chapter 3745-27 of the Ohio Administrative Code (OAC).

**Findings**

Ohio EPA observed the following violations of Ohio's environmental laws. In order to resolve the violations at your facility, we recommend addressing the citations below promptly. Ohio EPA's Division of Surface Water (DSW) has been notified of the results of the inspection. Additional violations specific to requirements of the Clean Water Act may be cited by counterparts in DSW.

1. **ORC Chapter: 3734**

**OAC Rule: 3745-27-19(K)(5):** The owner or operator shall treat and dispose of collected leachate in accordance with Chapter 6111. of the Revised Code and with one of the following: (a) Treat and dispose of collected leachate on site at the sanitary landfill facility. (b) Pretreat collected leachate on-site and dispose of collected leachate off-site of the sanitary landfill facility. (c) Treat and dispose of collected leachate off-site of the sanitary landfill facility.

(a) **Description:** Ohio EPA identified an unauthorized sump that collected leachate near the rail unloading building. The sump was located just outside of the rail unloading building at the northeast corner of the building. The sump contained an electric pump. Attached to the pump was a hose that was buried underground and ran underneath the railroad tracks to the east and terminated into the pond east of the rail unloading building. During the inspection, a representative of the landfill noted that the hose in the past ran above ground but was buried this past summer. See attached photographs and photograph descriptions.

(b) **Further information:** Ohio EPA has determined that the owner/operator of Sunny Farms Landfill has not disposed of collected leachate properly.

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2. **ORC Chapter:** 3734

**OAC Rule:** 3745-27-19(E)(9): The owner or operator shall employ all reasonable measures to collect, properly contain, and dispose of scattered litter, including the use of portable wind screens where necessary and frequent policing of the area.

(a) **Description:** Ohio EPA noted an unacceptable amount of scattered litter around the rail unloading building, and in the pond east of the rail unloading building. The owner/operator needs to take additional measures to collect and contain scattered litter and debris that is currently not being contained within the rail unloading building. See attached photographs and photograph descriptions.

(b) **Further information:** Ohio EPA has determined that the owner/operator of Sunny Farms Landfill has not employed all reasonable measures to collect, properly contain, and dispose of scattered litter.

**Conclusion**

Ohio EPA requests that Sunny Farms Landfill LLC. promptly undertake the necessary measures to resolve the violations of Ohio's environmental laws and regulations. Within 14 days of receipt of this letter, please provide documentation to Ohio EPA of the actions taken to resolve the violations cited above. If you have not yet addressed the violations, please submit a compliance plan on how the company plans to correct the violations cited above. Documentation of steps taken to return to compliance includes written correspondence, updated policies, as appropriate, and may be submitted via the postal service or electronically to [tyler.madeker@epa.ohio.gov](mailto:tyler.madeker@epa.ohio.gov).

Failure to comply with ORC Chapter 3734 and rules promulgated thereunder may result in an administrative or civil penalty. If circumstances delay resolution of violations, please submit written correspondence describing the steps that will be taken by date certain to attain compliance.

Please note that the submission of any requested information to respond to this letter does not constitute waiver of the Ohio EPA's authority to seek administrative or civil penalties specified in the ORC.

If you have any questions, please contact me at (419) 373-3078 or at [tyler.madeker@epa.ohio.gov](mailto:tyler.madeker@epa.ohio.gov).

Sincerely,



Tyler Madeker  
Environmental Specialist 2  
Division of Materials and Waste Management  
/wla

ec: Mike Reiser, DMWM-NWDO  
John Pasquarrette, DMWM-NWDO  
Bruce McCoy, DMWM-CO  
Ed Brdicka, Sunny Farms Landfill, LLC

Andy Drumm, NWDO-DMWM  
Tom Poffenbarger, DSW, NWDO  
Matt Beckman, Seneca County Health Department  
Dave Seegert, Sunny Farms Landfill, LLC

Attachment



- 1) Capped riser pipe located at the northeast corner of the rail unloading building which housed the pump and flexible discharge house.



- 2) Capped riser pipe located at the northeast corner of the rail unloading building. Power cord, flexible hose, and edge of the hard pipe that continues under the tracks are displayed.



- 3) View looking south from the capped riser pipe. The black power cord can be seen running along the east edge of the rail unloading building. Litter and debris in this photograph are indicative of the litter and debris strewn throughout the entire area.



- 4) Looking south along the western edge of the east pond. The outlet end of the drain pipe is in the distance amidst the excessive litter and debris that has collected in the pond.



5) Looking south along the western edge of the east pond. The outlet end of the drain pipe is in the midst of the excessive litter and debris that has collected in the pond.



6) Outlet end of the drain pipe as it daylights along the western edge of the east pond.





7) Broader view of the outlet end of the drain pipe displayed in photograph #6. Some of the excessive litter accumulated in the pond can be seen in this photograph.

