

COMMUNICATIONS SECTION
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TODD A. BURKE
CLERK

IN THE COURT OF COMMON PLEAS
MUSKINGUM COUNTY, OHIO

STATE OF OHIO, ex rel.	:	CASE NO. CH89-460
BETTY MONTGOMERY	:	
ATTORNEY GENERAL OF OHIO	:	JUDGE HIXSON
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
BLUE ROCK DISPOSAL, INC., et al.,	:	
	:	
Defendants.	:	

CONSENT ORDER

Plaintiff State of Ohio, by its Attorney General, at the written request of the Director of Environmental Protection, filed a Complaint and an Amended Complaint against Blue Rock Disposal, Inc. and James D. Burke ("Defendants") alleging violations of state solid waste law under Chapter 3734 of the Ohio Revised Code associated with the Blue Rock Landfill, Section 29, Wayne Township, Muskingum County (hereinafter "the Landfill").

NOW THEREFORE, without the trial or admission of any issue of fact or law, and upon the consent of the parties hereto, it is hereby ORDERED, ADJUDGED and DECREED as follows:

I. JURISDICTION

1. The Court has jurisdiction over the parties and the subject matter of this action pursuant to R.C. Chapter 3734. The Complaint states a claim upon which relief can be granted. Venue is proper in this Court.

II. PERSONS BOUND

2. The provisions of this Consent Order shall apply to and be binding upon the Defendants, their agents, officers, employees, assigns, successors in interest and any person acting in concert, privity or participation with them. Defendants shall provide a copy of this Consent Order to each key employee, consultant, contractor or person performing work referenced herein.

III. SATISFACTION OF LAWSUIT

3. Except as provided herein, compliance with the terms of this Consent Order shall constitute full satisfaction of any civil liability of the Defendants for all claims alleged in the State's Amended Complaint ("Complaint") and for the violations of state solid waste law cited in letters from the Ohio Environmental Protection Agency that are set forth in Attachment D.

4. Nothing in this Consent Order, including the imposition of stipulated civil penalties for violations of this Consent Order, shall limit the authority of the State of Ohio to:

A. Seek any legal or equitable relief for claims or conditions not alleged in the Complaint, including violations that occur after the filing of the Consent Order;

B. Seek any legal or equitable relief for claims or conditions alleged in the Complaint which occur or exist after the entry of this Consent Order;

C. Enforce this Consent Order through a contempt action or otherwise for violations of this Consent Order;

D. Bring any legal or equitable action against Defendants or against any person, to the extent allowed by law, under the Comprehensive Environmental Response Compensation and Liability Act (CERCLA), as amended, 42 U.S.C. Section 9601, et seq., ORC Chapter 3734, and/or ORC Chapter 6111 to: (1) recover natural resource damages and/or (2) to enjoin the performance of, and/or recover response costs for, any removal, remedial or corrective activities at or migrating from the Landfill including without limitation any ground water contamination;

E. Take any action authorized by law against any person, including Defendants, to eliminate or mitigate conditions at or migrating from the Landfill which may present an imminent threat to the public health or welfare, or the environment, and to pursue remediation of any groundwater contamination found at or migrating from the Landfill in accordance with OAC Rule 3745-27-10 and any other law; or

F. Bring any legal or equitable action against any person except as

otherwise provided in this Consent Order against Defendants Blue Rock Disposal, Inc. and James D. Burke.

IV. PERMANENT INJUNCTION

5. Except as expressly provided in Section V of this Order, Defendants are hereby permanently enjoined and ordered to comply with all applicable provisions of Ohio Revised Code Chapter 3734 and the rules promulgated thereunder.

V. COMPLIANCE SCHEDULE

6. The Defendants are hereby ordered and enjoined to achieve compliance with the milestones and schedule set forth below for maintenance work at the Landfill:

A. Final Cover and Out slopes. By October 1, 1999, Defendants are ordered and enjoined to do the following work:

i. Repair the final cover by correcting the effects of settling and erosion so as to prevent the ponding of water over areas of solid waste placement in accordance with OAC Rule 3745-27-14(A)(2).

ii. Add additional soil to the final cover to attain slopes between 1 percent and 25 percent to ensure that water drains off the final cover in accordance with OAC Rule 3745-27-10(C)(3) as effective July 29, 1976.

iii. Ensure that all areas of the final cover being repaired are covered with a minimum of two (2) feet of well-compacted soil meeting the requirements of OAC Rules 3745-27-09(F) and 3745-27-10(C)(1), as effective July 29, 1976.

iv. Repair out slopes to correct the effects of erosion in accordance with OAC Rule 3745-27-14(A)(2).

v. Soil material from areas within the limits of solid waste placement shall not be used to make repair the cover and out slopes at the Landfill.

B. Surface Water Drainage. By October 1, 1999, Defendants are ordered and enjoined to install at the Landfill a surface water drainage system consisting of surface water benches, out slope channels and straw bale fences as set forth in Attachment A.

C. ~~Vegetative Cover.~~ By October 1, 1999, Defendants are ordered and enjoined to complete seeding on all areas of the Landfill, including the final cover, out slopes and surrounding areas disturbed by construction, as often as needed to establish

and maintain a dense vegetative cover on the Landfill in accordance with OAC Rule 3745-27-10(C)(2), as effective July 29, 1976, OAC Rule 3745-27-14(A)(2) and Attachment B.

D. Preconstruction Meeting. Not later than seven (7) days before the commencement of the work required under Paragraphs 6(A)-(C) above, Defendants are ordered and enjoined to have scheduled and held with representatives from Ohio EPA, Division of Solid and Infectious Waste Management, Southeast District Office, ("Ohio EPA, DSIWM, SEDO"), a pre-construction and maintenance meeting at the Landfill. The person(s) who will oversee the construction and/or maintenance shall be present at the meeting. Defendants shall give advance written notice of the meeting to the owner(s) and any lessee(s) of the affected property, and invite them to attend the meeting.

E. Certification of Completion. By October 1, 1999, Defendants are ordered and enjoined to submit a certification that the maintenance activities described in Paragraphs 6(A)-(D) above have been completed. The certification shall include the following:

- i. A narrative that discusses site maintenance activities including without limitation, a description of the repairs performed at the Landfill and the volume of additional soil material placed at the Landfill including out slopes;
- ii. As-built drawings showing the locations of final cover and out slope repairs after maintenance; and
- iii. A signed, notarized certification by the Defendants attesting that the work required by Paragraphs 6(A) - (D) above has been properly completed. The certification shall be in the form of an affidavit and shall contain at least the language set forth below:

I, _____, do solemnly certify that to the best of my knowledge the work as described in Paragraphs 6(A) - (D) of the Consent Order filed in State of Ohio v. Blue Rock Disposal, Inc. et al., Case No. 89-460, Muskingum County Court of Common Pleas, Ohio has been completed as ordered therein.

The undersigned hereby affirms that the statements made in the foregoing affidavit are true, under penalty of perjury.

Subscribed and affirmed to before me this _____ day of _____,
19____, by _____.

Notary

F. Plat of Landfill Site. By October 1, 1999, the Defendants are ordered and enjoined to submit a plat of the Landfill site to the Muskingum County Recorder and the Director of Ohio EPA that shall accurately locate and describe the completed site, and include, in notes on the plat, information relating to the area, depth, volume, and nature of wastes disposed of at the Landfill in accordance with OAC Rule 3745-27(10)(C)(8) as effective July 29, 1976.

G. Ground Water Monitoring. By November 15, 1999, Defendants are ordered and enjoined to commence implementation of a Ground Water Monitoring Program Plan ("GWMPP") for the Landfill in accordance with OAC Rule 3745-27-10, except where modified by Attachment C, which is hereby incorporated by reference as if fully rewritten herein.

7. Defendants are ordered and enjoined to conduct the following post-closure care activities at the Landfill through and until December 31, 2017:

A. Collect and contain any leachate and properly treat it on-site or off-site in accordance with OAC Rules 3745-27-14(A)(2) and 3745-27-19(K)(1). Any leachate sample results obtained by Defendants shall be submitted to Ohio EPA within 30 days of receipt by Defendants;

B. Continue the operation and maintenance of the surface water management system under Paragraph 6.B above and the ground water monitoring system under Paragraph 6.G above in accordance with OAC 3745-27-14(A);

C. Maintain the integrity and effectiveness of the final cover including making repairs to the final cover and out slopes as necessary to correct the effects of settling, dead vegetation, subsidence, erosion, leachate outbreaks, or other events, and preventing run-on and run-off from eroding or otherwise damaging the final cover in accordance with OAC 3745-27-14(A)(2); and

D. Conduct quarterly inspections and submitting written summaries to Ohio EPA within 15 days of the inspection, in accordance with OAC 3745-27-14(A)(3).

8. Defendants are hereby ordered and enjoined to comply with the following requirements concerning financial assurance for post closure care at the Landfill through and until December 31, 2017:

A. Initial Financial Assurance. Within sixty (60) days of the issuance of this Consent Order, Defendants are ordered and enjoined to submit to Ohio EPA the following:

i. a review and, as warranted, adjustment of the estimated cost of post closure care activities under paragraph 7 of this Consent Order in accordance with OAC Rule 3745-27-16(D); and

ii. proof of financial assurance for the post-closure care in accordance with OAC Rules 3745-27-16 and 3745-27-17 or another mechanism approved in writing by Ohio EPA.

B. Annual Financial Assurance. By June 1, 2000, and by June 1 of each year thereafter, Defendants are ordered and enjoined to submit to Ohio EPA the submittals described under paragraph 8(A)(i) and (ii).

C. Suspension.

i. The requirement to establish financial assurance by a particular deadline in paragraph 8(A)(ii) and (B) is suspended if, and only to the extent that, Defendants are unable to establish such assurance and they submit to Ohio EPA adequate documentation of such inability. The documentation must be submitted by the deadline in paragraph 8(A)(ii) and (B), and must include "adequate documentation" within the meaning set forth in paragraph 8(C)(ii). To the extent that Defendants are able to establish part of the financial assurance, Defendants must establish that part of the assurance.

ii. "Adequate documentation" as used in paragraph 8(C)(i) means financial statements prepared by a certified public accountant including a personal statement of net worth, an income statement, a balance sheet, a description of assets, W-2 forms and 1099 forms.

iii. Within thirty (30) days of a written request from Ohio EPA, Defendants shall submit a list and documentation of any transfers of real or personal property greater than \$1000 in value, any trusts in which a Defendant is or has been a beneficiary, and any notes or contracts indicating funds or other items of value owed by or to a Defendant.

iv. Within sixty (60) days of a written request from Ohio EPA, Defendants shall submit a complete application for financial assurance to at least three (3) financial institutions, and submit to Ohio EPA the complete application and responses by these institutions. If Defendants apply for a surety bond within the meaning of OAC Rule 3745-27-16(G) or (H), then the application shall be made to financial institutions listed in those rule provisions. A request by Ohio EPA under this subparagraph may be made not more than once every twelve (12) months.

v. In any submittal of documentation under paragraph 8(C) to Ohio EPA, Defendants shall include a signed, notarized certification by them in the form of an affidavit with the language set forth below:

I, _____, do solemnly certify that to the best of my knowledge the documentation as described in Paragraph 8(C) of the Consent Order filed in State of Ohio v. Blue Rock Disposal, Inc. et al., Case No. 89-460, Muskingum County Court of Common Pleas, Ohio has been completed as provided therein, and is complete and accurate.

The undersigned hereby affirms that the statements made in the foregoing affidavit are true, under penalty of perjury.

Subscribed and affirmed to before me this _____ day of _____, 19____, by _____.

Notary

VI. SUBMITTAL AND RETENTION OF DOCUMENTS

9. In the event Ohio EPA notifies Defendants that a submittal required under this Consent Order is unsatisfactory in whole or in part, Defendants are ordered and enjoined to amend each unsatisfactory submission and submit to Ohio EPA a revised document that fully corrects all deficiencies within thirty (30) days after receipt of such notification. Ohio EPA may conditionally approve these documents. Defendants shall implement the documents as

approved.

10. Documents which must be submitted under this Order shall be submitted to:

Supervisor
Division of Solid and Infectious Waste Management
Ohio Environmental Protection Agency
Southeast District Office
2195 Front Street
Logan, Ohio 43138.

11. All documents which must be generated as a result of this Consent Order shall be maintained by Defendants throughout the post closure care period. All such documents must be made available to Ohio EPA upon request.

VII. ACCESS TO SITE

12. Defendants shall use their best efforts to obtain access to the Landfill area for the activities necessary to fulfill their obligations pursuant to this Order. If Defendants are not successful in obtaining such access, they shall immediately notify Ohio EPA of the lack of access and Defendants' efforts to obtain access.

VIII. CIVIL PENALTY/SUPPLEMENTAL ENVIRONMENTAL PROJECT

13. Defendants are ordered and enjoined to pay to the State of Ohio a civil penalty of Two Thousand Dollars (\$2000), which is hereby SUSPENDED. In lieu of paying a civil penalty, Defendants shall pay Two Thousand Dollars (\$2000) to fund a supplemental environmental project as set forth in the next paragraph.

14. Within thirty (30) days of entry of this Consent Order, Defendants shall submit to counsel for Plaintiff a certified check in the amount of Two Thousand Dollars (\$2000) made out to "Muskingum County Commissioners For Benefit of County General Fund Account No. 700-4515-001/Operation Tire Account No. 002-16-001." The proceeds shall be transferred to Operation Tire Account No. 002-16-001, and shall only be available for remediation or administration expenses due to cleanup of tires at the Roseville Prison site at 8100 Ransbottom Road, Roseville, Muskingum County.

IX. STIPULATED PENALTIES

15. In the event that Defendants fail to comply with any requirement under Paragraph 6 of this Order, Defendants are liable for and shall immediately pay stipulated penalties in accordance with the following schedule for each failure to comply:

- a. For each day of each failure to comply with a requirement, up to and including thirty (30) days -- One Hundred Dollars (\$100.00) per day.
- b. For each day of each failure to comply with a requirement over thirty days -- Three Hundred Dollars (\$300.00) per day.

Payments required by this section shall be paid by delivering a certified check to Jena Suhadolnik, Administrative Assistant, Environmental Enforcement Section, Ohio Attorney General's Office, 30 East Broad Street, 25th Floor, Columbus, Ohio 43215-3428. The check shall be made payable to "Treasurer, State of Ohio" and will be paid into the Hazardous Waste Clean-Up Fund pursuant to ORC Section 3734.28.

X. FORCE MAJEURE CLAIM

16. In any action by the State of Ohio to enforce any of the provisions of the Consent Order, Defendants may raise at that time the question of whether they are entitled to a defense that their conduct was caused by reasons entirely beyond their control such as, by way of example and not limitation, acts of God, strikes, acts of war or civil disturbances. While the State of Ohio does not agree that such a defense exists, it is, however, hereby agreed upon by Defendants and the State of Ohio that it is premature at this time to raise and adjudicate the existence of such a defense and that the appropriate point at which to adjudicate the existence of such a defense is at the time, if ever, that a proceeding to enforce this Consent Order is commenced by the State. At that time, the burden of proving that any delay was or will be caused by circumstances beyond the control of Defendants shall rest with Defendants. Unanticipated or increased costs associated with the implementation of any action required by this Consent Order, or changed financial circumstances shall not in any event constitute circumstances entirely beyond the control of Defendants, or serve as a basis for an extension of time under this Consent Order.

XI. ATTACHMENTS

17. This Consent Order has the following attachments, which are incorporated by reference as if fully stated herein:

- Attachment A: Surface Water Drainage
- Attachment B: Vegetative Cover
- Attachment C: Ground Water Monitoring Program Plan
- Attachment D: Letters from Ohio EPA citing state solid waste law violations

XII. MISCELLANEOUS

18. Nothing in this Order shall affect Defendants' obligation to comply with all applicable federal, state or local laws, regulations, rules or ordinances. Defendants shall obtain any federal, state, or local permits necessary to comply with this Order.

19. Any acceptance by the State of Ohio of any payment, document or other work due hereunder subsequent to the time that the obligation is due under this Order shall not relieve Defendants from the obligation created by the Order.

20. Defendants shall inform the Ohio Attorney General and the Ohio EPA of any change of their business addresses or telephone numbers, or the cessation of business.

XIII. COSTS

21. Defendants shall pay the court costs of this action.

XIV. CONTINUING JURISDICTION

22. This Court shall retain jurisdiction over this action for the purpose of enforcing this Consent Order.

XV. ENTRY OF CONSENT ORDER AND FINAL JUDGMENT BY CLERK

23. Pursuant to Rule 58 of the Ohio Rules of Civil Procedure, upon the signing of this Consent Order by the Court, the clerk is hereby directed to enter it upon the journal. Within three (3) days of entering the judgment upon the journal, the clerk is hereby directed to serve upon the parties notice of the judgment and its date of entry upon the journal in the manner prescribed by Rule 5(B) of the Ohio Rules of Civil Procedure.

IT IS SO ORDERED.

DATE

3/22/99




JUDGE HIXSON

Consent Order
State v. Blue Rock Disposal, Inc. et al.
Case No. 89-460
Muskingum County Court of Common Pleas

APPROVED:

BETTY D. MONTGOMERY
ATTORNEY GENERAL OF OHIO


JAMES O. PAYNE, JR. (0008129)
HAROLD G. VIELHAUER
Assistant Attorneys General
Environmental Enforcement Section
30 East Broad Street, 25th Floor
Columbus, Ohio 43215-3428
(614) 466-2766
(614) 644-1926 fax

3-19-99
DATE

Counsel for Plaintiff, State of Ohio

Consent Order
State v. Blue Rock Disposal, Inc. et al.
Case No. 89-460
Muskingum County Court of Common Pleas

BLUE ROCK DISPOSAL, INC.

BY: *James D. Burke*
JAMES D. BURKE, President

MARCH 19, 1999
DATE

JAMES D. BURKE

BY: *James D. Burke*
JAMES D. BURKE

MARCH 19, 1999
DATE

ATTACHMENT A

SURFACE WATER DRAINAGE

The surface water drainage system for the Landfill shall include installation and maintenance of surface water benches, out slope channels and straw bale fences to direct surface water drainage and to correct and avoid erosion. The areas to receive surface water benches, out slope channels and straw bale fences include without limitation those areas set forth in Exhibit 1 to this Attachment A.

- 1. Surface Water Benches.** The surface water benches shall be installed at the grade change on all out slopes where the grade begins to exceed five percent, except where Ohio EPA determines that the out slope has not been significantly eroded. The surface water benches shall be at least one and a half feet in height, three feet in width at the base and have a maximum slope of two percent (2%) toward the out slope channels.
- 2. Out Slope Channels.** The out slope channels shall be five feet wide and one and a half feet in depth, lined with a plastic filter cloth equivalent to "Poly-Filter X" and with a one-foot layer of rip rap consisting of stones ranging in size from three inches to twelve inches. The out slope channels shall extend from three feet above the grade change of the out slope to where the out slope is less than five percent in slope, or three hundred (300) feet, whichever is less.
- 3. Straw Bale Fence.** Straw bale fences shall be installed at grade changes on the out slopes (ie, the point on the slope where the grade exceeds five percent). Straw bale fences shall be installed along topographic lines (ie, 0% slope) in a three (3) inch deep trench using at least two three (3) foot long wooden stakes in each bale.

ATTACHMENT B

VEGETATIVE COVER

- 1. Seed Mixture.** The seed mixture for establishing and maintaining vegetation shall consist of 50% tall fescue, 20% creeping red fescue, 10% perennial rye, 10% Kentucky bluegrass, and 10% annual rye applied at the rate of 150 pounds/acre, unless otherwise agreed in writing by Ohio EPA.
- 2. Fertilizer.** Fertilizer is to be applied typically at a minimum of 80 pounds total nitrogen, 80 pounds total potassium, and 80 pounds total phosphorus per acre or as soil test results dictate, unless otherwise agreed in writing by Ohio EPA.
- 3. Mulch.** Mulch is to be applied at a minimum rate of 3 tons/acre, unless otherwise agreed in writing by Ohio EPA.

ATTACHMENT C

GROUND WATER MONITORING PROGRAM PLAN

The Ground Water Monitoring Program Plan ("Plan") for the Blue Rock Landfill includes the following requirements:

A. General

1. Defendants shall retain a qualified groundwater scientist, as the term is defined in OAC Rule 3745-27-01(B)(30), to implement the Plan unless otherwise agreed in writing by Ohio EPA.
2. All wells at the Landfill site, including the private well located near the house, at the site shall be included in the Plan, unless otherwise specified herein.

B. Initial Inspection, Repair and Maintenance of Monitoring Wells

1. By November 15, 1999, the existing monitoring wells at the Landfill shall be inspected in accordance with OAC Rule 3745-27-10(B)(3)(a) - (c), and the following tasks be completed:
 - a. Abandon Well Nos. 2, 4 and 6;
 - b. Repair Well Nos. SW-5 and SW-8 to allow ground water samples to be collected;
 - c. Evaluate and, if needed, redevelop Well No. SW-1; and
 - d. Install cement pads and locks at all Landfill monitoring wells except for any properly abandoned wells and the private well near the house.
2. At least two weeks in advance of conducting the work in subsection B(1) above, Defendants, through the qualified groundwater scientist specified above, shall notify Ohio EPA in writing of the proposed methods of well abandonment and repair for the work required under that subsection.
3. By November 15, 1999, Defendants, through the qualified groundwater scientist, shall document completion of the work required in this section B and shall submit such documentation to Ohio EPA.

C. Ongoing Inspection, Repair and Maintenance of Monitoring Wells

1. After November 15, 1999, Defendants shall inspect and maintain the monitoring wells at the Landfill on a quarterly basis in accordance with OAC Rule 3745-27-10(B)(3)(a) - (c) and (e).
2. Any well that does not meet the requirements of OAC Rule 3745-27-10(B)(3) shall be repaired or properly abandoned as approved by Ohio EPA.

D. Sampling of Monitoring Wells

1. By November 15, 1999, and every six (6) months thereafter, the monitoring wells at the Landfill shall be sampled for the parameters listed in Exhibit 1 hereto
2. The sampling procedure shall be the procedure set forth in Exhibit 2 hereto. At least thirty (30) days prior to the first sampling event, Defendants, through the qualified ground water scientist, shall notify Ohio EPA in writing of the proposed methods for selection and handling of the sample containers, preservation and handling of samples, and laboratory analytical methods including associated detection limits. The notice shall include a discussion of any other issues relevant to the ground water monitoring program.
3. Whenever Defendants' groundwater sampling results report submitted under section E below provides valid analytical results for six (6) or more wells, then the next sampling event shall be nine (9) months from the previous sampling event in lieu of the six (6) month schedule specified in subsection D(1) above. On the first page of the groundwater sampling results report submitted under subsection E(2) below, Defendants shall indicate whether the next sampling event will be six (6) months or nine (9) months from the last sampling event.
4. After two (2) years of monitoring (4 sampling events), the number of parameters being sampled may be reduced in accordance with OAC Rule 3745-27-10(D)(2) if approved in writing by Ohio EPA.
5. After two (2) years of monitoring (4 sampling events), the frequency of sampling the private well at the house at the site may be reduced if approved in writing by Ohio EPA.
6. After four (4) years of monitoring (8 sampling events), the frequency of sampling may be reduced in accordance with OAC Rule 3745-27-10(D)(6) if approved in writing by Ohio EPA.

E. Groundwater Sampling Results Report

1. Within seventy-five days of any groundwater sampling event, all ground water elevation data, analytical results and statistical analysis results shall be submitted to Ohio EPA.
2. Within seventy-five days of any groundwater sampling event, Defendants shall submit to Ohio EPA, along with the information under subsection E(1) above, a report on the groundwater sampling results including the following:

analytical data from sampling event;

water evaluation data;

a statistical analysis of ground water quality data in accordance with OAC Rule 3745-27-10(C)(6) through (C)(9), or, if approved in writing by Ohio EPA, an alternative statistical method;

a written description of the sampling event using the information from the field log book;

all field measurements of pH, temperature, conductivity;

any difficulties encountered during the sampling event;

a water level map, if the water level data generated provides sufficient information for the construction of such a map; and

a discussion of the ground water quality results and whether the Blue Rock Landfill has impacted ground water.

3. On the first page of the groundwater sampling results report submitted under subsection E(2) above, Defendants shall indicate whether the next sampling event will be six (6) months or nine (9) months from the last sampling event pursuant to subsection D(3) above.

F. Assessment of Groundwater Release

1. If there is a release from the Landfill into ground water, detected through the Plan or otherwise, then the concentration, rate, and extent of release shall be investigated and assessed in accordance with OAC Rule 3745-27-10(E).

EXHIBIT 1

TO

ATTACHMENT C

**PARAMETERS TO BE SAMPLED UNDER
GROUNDWATER MONITORING PROGRAM PLAN**

Ammonia

Chromium

Nickel

Sulfate

Total Alkalinity

Total Dissolved Solids

Volatile Organic Compounds (Appendix I to OAC Rule 3745-27-10)

EXHIBIT 2

TO

ATTACHMENT C

**SAMPLING PROCEDURES UNDER
GROUNDWATER MONITORING PROGRAM PLAN**

The procedure for well sampling includes the following:

1. **Field Book.** All field personnel shall use a field book to record all activities and measurements completed while at the site. A field book used for this site will not be used for any other site.
2. **Arrival at Site.** Upon arrival at the site, field personnel will note in their field book the date, time, weather, equipment to be used, other members of the sampling team any other pertinent information.
3. **Visual Inspection.** At the well, field personnel will perform a visual inspection of the well and protective casing for signs of damage or tampering.
4. **Wellhead Air.** If air in the wellhead contains known or suspected hazardous contaminants, an organic vapor analyzer or combustible gas indicator will be used to evaluate the potential for fire or explosion and to guard worker safety.
5. **Cleaning and Decontamination.** All materials that come in contact with the well, water in the well or other equipment that contacts the well or its water will be cleaned and decontaminated with either phosphate-free detergent and distilled water or with detergent, distilled water, acetone and hexane prior to any contact with the well or its water. Decontamination will include all water level measuring devices and purging/sampling equipment. Any piece of equipment not cleaned and decontaminated after its use must be discarded. All liquids resulting from decontamination procedures will be containerized and stored until laboratory analysis indicates the proper method of disposal.
6. **Discarding Equipment.** A plastic cloth will be placed around each well to prevent equipment from contacting the ground. A bailer constructed of teflon or stainless steel will be used to evacuate and sample each of the wells at Blue Rock Landfill. After a well has been

sampled, the rope used to raise and lower the bailer will be discarded along with the plastic cloth used to protect equipment from ground contact.

7. **Measuring Well Depth.** A stainless steel or electric measuring tape will be used to measure depth to the static water level to the nearest 0.01 foot. This value will be recorded in the field book of the person taking the measurement. All values will be based on the top of the well casing as a reference point.

8. **Purging Well.** The volume of standing water in a well will be calculated using measurements of the inside diameter of the well casing, the depth to the bottom of the well and the depth of water. A well will be evacuated until three (3) to five (5) well volumes of water has been purged or until the well is dry. Field measurements of temperature, pH, and specific conductance of the water being purged will be measured to determine if the purging process is sufficient to ensure that a representative ground water sample can be collected. Proper disposal of the purge water will occur after laboratory analysis has chemically characterized the water and after the characterization has been submitted to Ohio EPA. Low yielding wells will be purged and sampled within a 24 hour period. If, after purging and attempted sampling or resampling within 24 hours, a well has insufficient groundwater to allow for analysis of all of the required parameters, the well may be omitted from the sampling event.

9. **Extracting the Sample.** A well will be sampled by carefully extracting water from the well and placing the water into sample bottles prepared by the laboratory. Samples will be collected in the following order: volatile organics, other organics, metals and other parameters. Sample containers, sample preservation and sample handling will be in accordance with the methods approved by U.S. and/or Ohio EPA. If a well is producing turbid water, a second or duplicate sample will be collected for metals analysis. The first sample will contain unfiltered sample water. The second sample will contain water that has been filtered through a 0.45 micron filter. A data form will be used to record field sample measurements.

10. **Labeling the Sample Container.** Each sample container will be labeled with the following information:

- sample identification number
- sample location
- sample depth
- date and time of collection
- name of collector
- preservative used.

11. **Chain-of-Custody Form.** A Chain-of-Custody form will accompany each set of samples from the time the samples are collected from the well until the samples are disposed of.

12. **Analyzing Samples.** Each well at the Blue Rock Landfill that yields sufficient water will

be analyzed for each parameter set forth in Exhibit 1 to Attachment C.

ATTACHMENT D

**OHIO EPA LETTERS CITING VIOLATIONS OF OHIO SOLID WASTE LAW AT
BLUE ROCK LANDFILL SINCE FILING OF AMENDED COMPLAINT**

1990: September 25, December 3

1991: April 18, July 19, October 18

1992: March 3, April 13, July 17, December 22

1993: September 9

1994: December 19

1995: June 19, September 18, December 21

1996: March 22, June 7, August 1, October 10

1997: March 20, July 22

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