



west virginia department of environmental protection

Environmental Enforcement
601 57th Street, SE
Charleston, WV 25304
Telephone: (304) 926-0470 Fax: (304) 926-0488

Jim Justice, Governor
Austin Caperton, Cabinet Secretary
www.dep.wv.gov

January 4, 2018

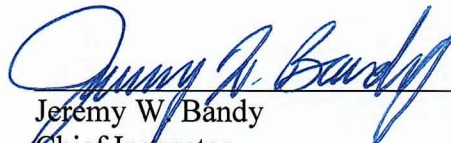
CERTIFICATION

SUBJECT: H.A.M Sanitary Landfill Inc.

APPEAL NO.: 17-17-EQB



I, Jeremy W. Bandy, Chief Inspector of Environmental Enforcement, Department of Environmental Protection, on behalf of the Director of the Division of Water and Waste Management, in compliance with WV Code, Chapter 22 B-1-7 (e) as amended, do hereby certify that the enclosed is a true and accurate reproduction of the proceedings out of which the appeal arises, including documents in the Director's file relating to the matter in question. Due to reproduction problems, maps, photographs, videos, etc. may have been omitted.



Jeremy W. Bandy
Chief Inspector

cc: Scott Mandirola, Director, DWWM (via email)
Brad Wright, Assistant Chief Inspector, EE/WW (via email)
David C. Simmons, Assistant Chief Inspector, EE (via e-mail)
Laura McGee, Environmental Resources Specialist, EE (via e-mail)
Kevin Lilly, Environmental Inspector Supervisor, EE/WW (via email)
Office of Legal Services

TIME IN: 10:00
TIME OUT: 12:30

DEPARTMENT OF ENVIRONMENTAL PROTECTION
ENVIRONMENTAL ENFORCEMENT

SWF-2032/WV0109240
Expiration Date: 6-23-18
Municipal:
Industrial: _____
Other: Asbestos Cell

LANDFILL INSPECTION REPORT

Name of Facility H.A.M Sanitary Landfill, Inc.

P.O. Box 576, 519 Roy Martin Road, Peterstown, WV 24963 Phone: (304)753-9470.

Weather Rainy 60s Date of Last Inspection 03/24/17

Current Monthly Tonnage 8242 for April 17 Status of Operation: Active Inactive Not Started Closed

Permit Acreage 30 Estimated disturbed acreage at time of inspection 25

Ratings: S – Satisfactory, U – Unsatisfactory, N/A – Not Applicable, N/O – Not Observed, N/D – Not Determined, M – Marginal

I. LEACHATE MANAGEMENT

Liner System Construction	M	Leachate Treatment System	N/A	Sewer Hook up	S
Liner System Maintenance	S	Monitoring Wells	N/D	Treatment Plant	N/A
Leachate Collection System	U	Monitoring Reports	N/D	Storm Water	U
Leachate Detection System	S	Sprayback Recirculation	N/A	Other	N/A
Leachate Storage System	S	Pumpout and Transport	N/A	Other	N/A

Is there a Leachate discharge into receiving stream: Yes No Receiving Stream UNT of Brush Creek of Rich Creek of the New River

Outlet Status:

Outlet	001	099							
Rating	N/D	N/D							

Comments

- Leachate break-out caused by activity related to the construction of a new cell. Failure to maintain proper diversions and controls is allowing leachate to bypass treatment.

II. SITE MANAGEMENT

Odor Control	S	Erosion, Sediment Control	M	Dust Control	S
Fire Control	N/D	Diversion Ditches	S	Vector Control	S
Gas Management	N/A	Revegetation	S	Records	S
Equipment	N/D	Access Roads	S	Haz. Waste Exclusion Plan/Insp.	S
Contaminated Soil Disposal	N/D	Access Control	S	Asbestos Disposal	N/O
Tire Disposal	N/D	Operations Plan	N/D	Drum Disposal	N/O
Sludge Disposal	N/D	Placement and compaction	S	Shredder Fluff Disposal	S
Infectious Waste Disposal	N/A	QA/QC	S	Other	N/A
Daily Cover	S	Certifications	S	Other	N/A
Intermediate Cover	S	Control of Wind Blown Material	U	Other	N/A
Final Cover	N/D				

Comments:

- Significant amounts of windblown fugitive debris has escaped from the active cell.
- Geogrid liner for the cell under construction is covered in weeds.
- Silt fence below new leachate collection pond has been breached.

Warning! You are hereby warned that the following remedial measures must be taken on or before:

- Remove weeds from geogrid liner.
- Repair down silt fence below the new leachate collection pond.

Number of N.O.V.'s issued on this date: 2 None

Company Representative and Title: Ms. Cassie Bradley, Manager

000001

Signed: (Delivered by Certified Mail) (Inspector) Mike Puckett  May 24th, 2017

Phone: (304)574-4471 White - Region Yellow - Facility Pink - Charleston Goldenrod - Inspector

STATE OF WEST VIRGINIA

Department of Environmental Protection

Environmental Enforcement

NOTICE OF VIOLATION

Violation No. SW-17-32-011-MDP

To the Operator or Agent of:

Facility Name: H.A.M. Sanitary Landfill, LLC. Permit No. SWF-7190/WV0109258

Permittee or Individual H.A.M. Sanitary Landfill, LLC.

Located at or near Peterstown in Monroe County

Representative Ms. Cassie Bradley Date 05/24/17 Time 12:30

Address / phone number P.O. Box 576, 519 Roy Martin Road, Peterstown, WV 24963 Phone: (304)753-9470

Whereas, an inspection of the above named operation by the undersigned, duly authorized agent of the Secretary, at which the following described condition or practice exists, in violation of Chapter 22,

Article 15, Section(s) 1 et. Seq. of the Code of West Virginia and/or Section(s) 33CSR1-4.8.a.4. of the Rules and Regulations and/or Section(s) _____ of the Permit referenced above promulgated thereunder in that you:

Permittee failed to take all necessary measures to collect and treat leachate.

The following corrective measures were discussed with you at the time of this inspection:

Diverting the leachate break-out into the leachate collection and treatment system.


Within 20 days upon receipt, provide a written response to the inspector named below, at the address indicated, detailing the actions taken to abate this violation.

Received by:

Sent via Certified Mail

Signature

Title

 /Michael Puckett

Duly Authorized Agent / Inspector

(304)574-4471

Telephone

Michael.D.Puckett@wv.gov

E-mail

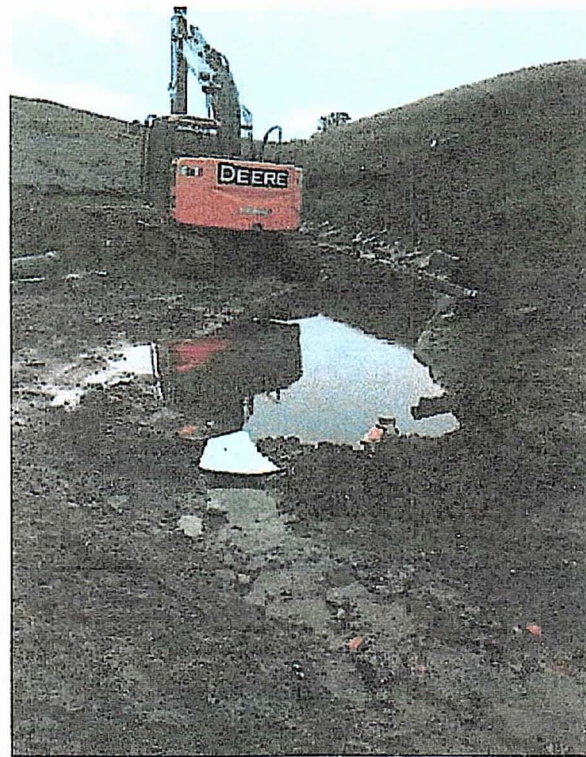
Send Response to the Inspector at the address indicated below:

WV Department of Environmental Protection

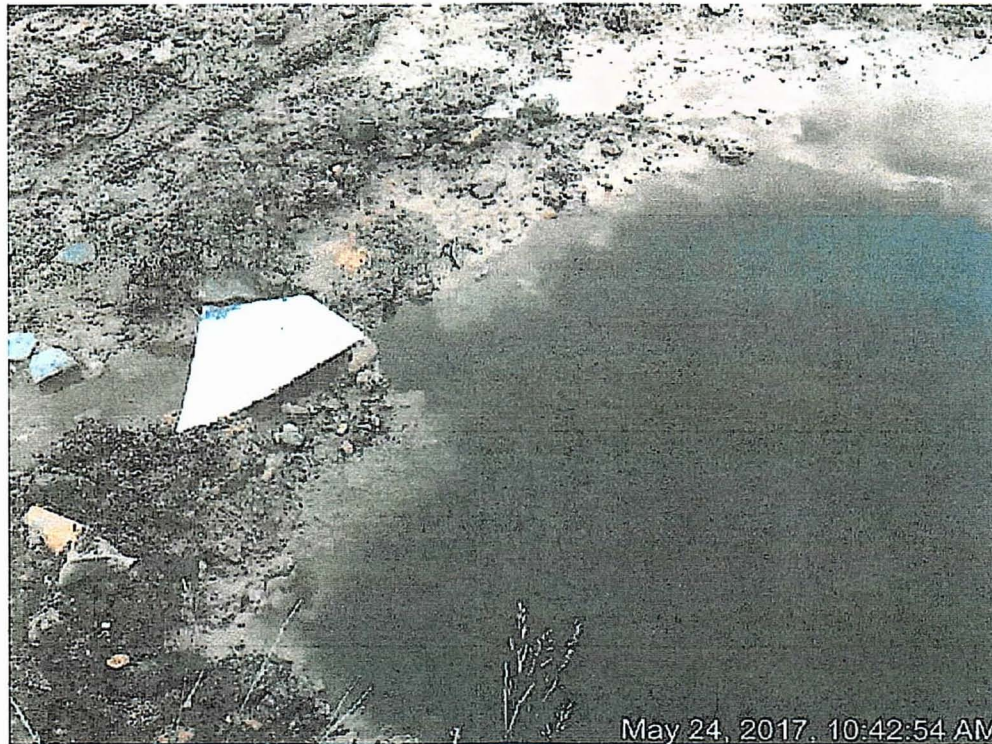
Environmental Enforcement / WW

1159 Nick Rahall Greenway, Fayetteville, WV 25840

000002



Leachate Bypass of Treatment 5/24/17



Leachate Bypass of Treatment 5/24/17

Date: January 3, 2018

Environmental Enforcement:

The following is in response to your January 3, 2018 request for delivery information on your Certified Mail™ item number 9171999991703773325812. The delivery record shows that this item was delivered on June 21, 2017 at 1:24 pm in PETERSTOWN, WV 24963. The scanned image of the recipient information is provided below.

Signature of Recipient :



Address of Recipient :

PO BOX 576

Thank you for selecting the Postal Service for your mailing needs.

If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,
United States Postal Service

000004



H. A. M. SANITARY LANDFILL, LLC

*P.O. BOX 576 • 519 Roy Martin Rd.
PETERSTOWN, WV 24963
(304) 753-9470 • 800-610-6266 • FAX (304) 753-6287*

June 23, 2017

Mr. Michael Puckett
WV DEP
Environmental Enforcement/WW
1159 Nick Rahall Greenway
Fayetteville, WV 25840

RE: NOVs Correction

Mr. Michael Puckett:

During the visit to our facility it was found that we were in violation of Chapter **22**, Article **15**, Section **1 et. Seq.** of the Code of West Virginia and/or Section(s) **33CSR-1-4.8.a.4** of the Rules and Regulations. We failed to take all necessary measures to collect and treat leachate that was released when our liner was uncovered for tie-in.

HAM Sanitary Landfill, LLC. , has taken corrective action on the matter. We have temporary confined and diverted the leachate to a manhole that feeds our tanks. This is a temporary fix. To enable completion of our construction Lynch will be placing a temporary French drain in that will be piped into the same manhole that feeds the tanks. Once the liner tie-in is complete this problem will be permanently fixed.

Should you require any additional information or have any questions please feel free to call (304) 753-9470 at your convenience.

Sincerely,

Cassie Bradley
Manager
Website: www.hamlandfill.com Email: hamlandfill@wvva.net

000005



west virginia department of environmental protection

Environmental Enforcement
601 57th Street SE
Charleston, WV 25304
Telephone: (304) 926-0470 Fax: (304) 926-0488

Jim Justice, Governor
Austin Caperton, Cabinet Secretary
www.dep.wv.gov

September 12, 2017

H.A.M. Sanitary Landfill, LLC
ATTN: Ms. Cassie Bradley
P.O. Box 576
519 Roy Martin Road
Peterstown, WV 24963

CERTIFIED RETURN RECEIPT REQUESTED

91 7199 9991 7037 7099 6329

NOTICE OF CIVIL ADMINISTRATIVE PENALTY

**Re: Permit No.: SWF-2032/WV0109240
No. of NOVs: One (1)
CAP Case No.: 180003**

In accordance with West Virginia Code 22-15-15(c) you are hereby notified that H.A.M. Sanitary Landfill, LLC has been assessed a proposed civil administrative penalty on the Notice of Violation dated May 24, 2017.

The proposed penalty of \$2,340 was calculated using the attached CAP Calculation Form in accordance with Legislative Rule, Title 33, Series 22.

Pursuant to West Virginia Code 22-15-15(c), you may contest the fact of the violation or the amount of the proposed penalty by requesting an informal hearing by completing and returning the enclosed card within **twenty (20) days** upon receipt of the Notice of Civil Administrative Penalty.

Pursuant to Legislative Rule 33CSR22-5.3.d, there is provision to reduce the Civil Administrative Penalty for ability to pay a civil administrative penalty. Should you desire to pursue this provision, you should be prepared to present all necessary supportive information and/or financial documentation at the scheduled informal hearing. Incomplete information or information received more than ten (10) calendar days after the informal hearing date will not be evaluated.

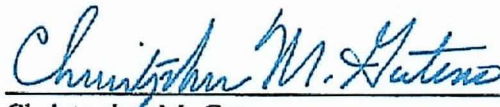
If you do not request an informal hearing within the prescribed time limits, the proposed assessment becomes final and is due and payable to the West Virginia Department of Environmental Protection for deposit in the Solid Waste Reclamation and Environmental

Response Fund. Payment must include a reference to the CAP Case No. and shall be mailed to the following address:

**Chief Inspector
Environmental Enforcement – Mail Code #031328
WVDEP
601 57th Street SE
Charleston, WV 25304**

Should you have any questions, please contact me at (304) 926-0470.

Sincerely,



Christopher M. Gatens
Christopher M. Gatens
Assessment Officer

Enclosures: CAP Calculation Form

cc: Jeremy W. Bandy, Chief Inspector, EE (via e-mail)
Robin C. Dolly, Assistant Chief Inspector, EE/WW (via e-mail)
David C. Simmons, Assistant Chief Inspector, EE (via e-mail)
Laura McGee, Environmental Resources Specialist, EE (via e-mail)
Kevin Lilly, Environmental Inspector Supervisor, EE/WW (via e-mail)
Michael Puckett, Environmental Inspector, EE/WW (via e-mail)

(1)

000007

CAP Calculation Form

for Violations of the Solid Waste Management Act

9/11/2017

<u>H.A.M. Sanitary Landfill, LLC</u>	<u>SWF-2032/WV0109240</u>	<u>SW-17-32-011-MDP</u>				
Company/Individual	Permit / ID #	Violation #				
Deviation from Requirement: (From Table A)	9					
Potential for Harm: (From Table B)	4	<table style="margin-left: auto; margin-right: auto; border-collapse: collapse;"> <tr> <td style="border-top: 1px solid black; border-bottom: 1px solid black; padding: 2px 5px;">Amount from Table D</td> </tr> <tr> <td style="text-align: center; padding: 2px 5px;">\$1,300.00</td> </tr> <tr> <td style="border-top: 1px solid black; border-bottom: 1px solid black; padding: 2px 5px;">Sub-Total</td> </tr> <tr> <td style="text-align: center; padding: 2px 5px;">\$2,340.00</td> </tr> </table>	Amount from Table D	\$1,300.00	Sub-Total	\$2,340.00
Amount from Table D						
\$1,300.00						
Sub-Total						
\$2,340.00						
Negligence/Good Faith: (From Table E)	9	<table style="margin-left: auto; margin-right: auto; border-collapse: collapse;"> <tr> <td style="padding: 0 10px;">(1.8)</td> <td style="border-top: 1px solid black; border-bottom: 1px solid black; padding: 2px 5px;">Sub-Total</td> </tr> <tr> <td></td> <td style="text-align: center; padding: 2px 5px;">\$2,340.00</td> </tr> </table>	(1.8)	Sub-Total		\$2,340.00
(1.8)	Sub-Total					
	\$2,340.00					
Adjustment Factor: (From Table G)	1.00	<table style="margin-left: auto; margin-right: auto; border-collapse: collapse;"> <tr> <td style="border-top: 1px solid black; border-bottom: 1px solid black; padding: 2px 5px;">Sub-Total</td> </tr> <tr> <td style="text-align: center; padding: 2px 5px;">\$2,340.00</td> </tr> </table>	Sub-Total	\$2,340.00		
Sub-Total						
\$2,340.00						
Unique Factor: (Actual Factor Desired - 0.00 to 2.00)	0.00	<table style="margin-left: auto; margin-right: auto; border-collapse: collapse;"> <tr> <td style="border-top: 1px solid black; border-bottom: 1px solid black; padding: 2px 5px;">Sub-Total</td> </tr> <tr> <td style="text-align: center; padding: 2px 5px;">\$2,340.00</td> </tr> </table>	Sub-Total	\$2,340.00		
Sub-Total						
\$2,340.00						
History of Noncompliance: (No. of Enforcement Actions - Table I)	0 = #N/A	<table style="margin-left: auto; margin-right: auto; border-collapse: collapse;"> <tr> <td style="border-top: 1px solid black; border-bottom: 3px double black; padding: 2px 5px;">Assessment for this Violation</td> </tr> <tr> <td style="text-align: center; padding: 2px 5px;">\$2,340.00</td> </tr> </table>	Assessment for this Violation	\$2,340.00		
Assessment for this Violation						
\$2,340.00						

Violation: WV Legislative Rule 33CSR1 Section 4.8.a.4

Description: H.A.M. Sanitary Landfill, LLC allowed leachate break-out to bypass the collection and treatment system.

000008



H.A.M. Sanitary
Landfill

CAP CASE: 180003

Date: September 19, 2017

Brittany Hunt:

The following is in response to your September 19, 2017 request for delivery information on your Certified Mail™ item number 9171999991703770996329. The delivery record shows that this item was delivered on September 18, 2017 at 11:14 am in PETERSTOWN, WV 24963. The scanned image of the recipient information is provided below.

Signature of Recipient :

Address of Recipient :

Thank you for selecting the Postal Service for your mailing needs.

If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,
United States Postal Service

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west virginia department of environmental protection

Environmental Enforcement
601 57th Street SE
Charleston, WV 25304
Telephone: 304/926-0470 Fax: 304/926-0488

Jim Justice, Governor
Austin Caperton, Cabinet Secretary
www.dep.wv.gov

MEETING ATTENDANCE ROSTER

We will process your personal information (email address, mailing address and/or telephone number) in accordance with the State of West Virginia's Privacy Policy for appropriate and customary business purposes. Your personal information may be disclosed to other State agencies or third parties in the normal course of business or as needed to comply with statutory or regulatory requirements, including Freedom of Information Act requests. The Division of Water and Waste Management will appropriately secure your personal information. If you have any questions about our use of your personal information, please contact the DEP's Chief Privacy officer at depprivacyofficer@wv.gov.

Facility: Ham Sanitary Landfill	Time/Date: 10:00am on 11/28/17	Cap Case# 18003
---------------------------------	--------------------------------	-----------------

NAME	REPRESENTING	EMAIL ADDRESS	TELEPHONE #
Chris Gatens	WVDEP-EE	Christopher.M.Gatens@wv.gov	304/926-0499 X1324
Kevin Lilly	" "	James.K.Lilly@wv.gov	304-381-7676
Laura McGehee	WVDEP-EE	Laura.e.mcgeee@wv.gov	304-926-0499 X1323
Robin Dally	WVDEP-EE	Robin.C.Dally@wv.gov	304-389-7661
Mike Puckett	WVDEP/EE	Michael.D.Puckett@WVGov	304-573-1861
Cassie Bradley	HAM Landfill	hamlandfill@wvva.net	304-753-9470
David Elmore	HAM "	delmore@netscape.net	304-921-1642
Sam Hanna	"	shanna@hannalaw.wv.com	304-342-2137



west virginia department of environmental protection

Environmental Enforcement
601 57th Street SE
Charleston, WV 25304
Telephone: (304) 926-0470 Fax: (304) 926-0488

Jim Justice, Governor
Austin Caperton, Cabinet Secretary
www.dep.wv.gov

December 4, 2017

H.A.M. Sanitary Landfill, LLC
ATTN: Ms. Cassie Bradley
P.O. Box 576
519 Roy Martin
Peterstown, WV 24963

CERTIFIED RETURN RECEIPT REQUESTED

91 7199 9991 7037 7101 4459

**RE: Violation of Chapter 22, Article 15
of the WV State Code**

Dear Ms. Bradley:

Thank you for attending the Informal Hearing for Civil Administrative Penalty (CAP) Case No. 180003 on November 28, 2017. As a result of additional information provided during the informal hearing, the assessment for CAP Case No. 180003 has been reduced to \$1,755. The detailed rationale for this decision is included on the enclosed Informal Hearing Decision sheet(s).

Should you concur with this assessment, please send the signed check within thirty (30) days of receipt of this correspondence for deposit into the Solid Waste Reclamation and Environmental Response Fund. Payment shall include a reference to the CAP Case No. and shall be mailed to the following address:

**West Virginia DEP, Environmental Enforcement
Mail Code #031328
601 57th Street SE
Charleston, WV 25304.**

If you wish to contest the results of this conference, pursuant to West Virginia Code, Chapter 22-15-15(c)(1), you may request a formal hearing before the Environmental Quality Board by mailing the request to the following address within thirty (30) days of receipt of this decision:

**West Virginia Environmental Quality Board
601 57th St. S.E.
Charleston, WV 25304.**

If there are any questions regarding the formal hearing, you may contact the Environmental Quality Board at (304) 926-0445.

Should you have any questions regarding the Informal Hearing Decision, please contact me at (304) 926-0470.

Sincerely,



Christopher M. Gatens
Assessment Officer

Attachment

cc: Jeremy W. Bandy, Chief Inspector, EE (via e-mail)
Robin C. Dolly, Acting Assistant Chief Inspector, EE/WW (via e-mail)
David C. Simmons, Assistant Chief Inspector, EE (via e-mail)
Laura McGee, Environmental Resources Specialist, EE (via e-mail)
Kevin Lilly, Environmental Inspector Supervisor, EE/WW (via e-mail)
Michael Puckett, Environmental Inspector, EE/WW (via e-mail)

(2)

000012

Informal Hearing Decision
for Violations of the Solid Waste Management Act

CAP Case No.: 180003

12/4/2017

<u>H.A.M. Sanitary Landfill, LLC</u> Company/Individual	<u>SWF-2032/WV0109240</u> Permit / ID #	<u>SW-17-32-011-MDP</u> Violation #
Seriousness Score: <u>Pre-Conference</u> 9 / 4	<u>Post-Conference</u> 9 / 4	<u>Amount from Table D</u> \$1,300.00
Negligence/Good Faith Score: <u>Pre-Conference</u> 9 (1.8)	<u>Post-Conference</u> 9 (1.8)	<u>Sub-Total</u> \$2,340.00
Adjustment Factor: <u>Pre-Conference</u> 1.00	<u>Post-Conference</u> 0.75	<u>Sub-Total</u> \$1,755.00
Unique Factor: <u>Pre-Conference</u> 0.00	<u>Post-Conference</u> 0.00	<u>Sub-Total</u> \$1,755.00
History of Non- <u>Pre-Conference</u> 0 = \$0.00	<u>Post-Conference</u> 0 = \$0.00	<u>Sub-Total</u> \$1,755.00
Initial Assessment \$2,340.00		Final Amount \$1,755.00

Decision

Assessment Reduced

Rationale

Information was provided during the informal hearing that warranted a reduction to the assessment due to a change in the adjustment factor from a 1.00 to a 0.75.

Final Amount Due: \$1,755.00

Assessment Officer:

Christopher M. Gatens

12/4/2017

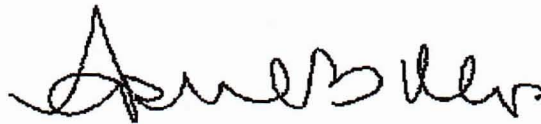
000013

Date: January 3, 2018

Brittany Hunt:

The following is in response to your January 3, 2018 request for delivery information on your Certified Mail™ item number 9171999991703771014459. The delivery record shows that this item was delivered on December 7, 2017 at 11:12 am in PETERSTOWN, WV 24963. The scanned image of the recipient information is provided below.

Signature of Recipient :



Address of Recipient :



Thank you for selecting the Postal Service for your mailing needs.

If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,
United States Postal Service



H. A. M. SANITARY LANDFILL, LLC

P.O. BOX 576 • 519 Roy Martin Rd.
PETERSTOWN, WV 24963
(304) 753-9470 • 800-610-6266 • FAX (304) 753-6287

December 11, 2017

Red Sulphur PSD
PO Box 697
Peterstown, WV 24963

Re: IUO2 Discharge Limitations

Attn: Chris Martin

The purpose of this letter is to identify the parameters, which have exceeded our discharge limitations, to identify the probable causes, and to identify actions that will be implemented in an effort to correct the conditions causing the elevated levels.

The benchmark concentration for Ammonia- Nitrogen was exceeded on the IUO2 sample collected from a 24 hour Comp. The measured Ammonia- Nitrogen level was 206 mg/L. The benchmark concentration level is 40 mg/L for Ammonia-Nitrogen. The other parameters were in reasonable concentration levels.

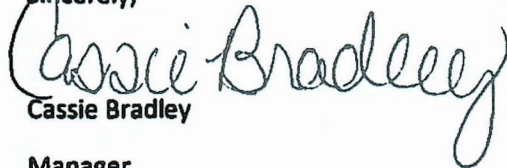
Upon conducting of an investigation into the cause of the elevated level, we have concluded that the elevated level is being caused by:

- (1) The decomposition of the hay that is being used for erosion control on new construction sites.
- (2) The increase in MSW tonnage that is being brought in from new business.

In the future we plan to use a Leachate Pond, which is completed and awaiting approval to be put into service, to aid in the aeration of such parameters. We also expect this Ammonia-Nitrogen level to begin to decrease on its own, once composition grass begins to take root and the hay is degraded.

If you have any questions, please contact Cassie Bradley @ 304-753-9470.

Sincerely,


Cassie Bradley
Manager

000015