

HANNA LAW OFFICE

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WV State Bar Number: 1580

MARGARET J. WILLIAMS,
PARALEGAL

December 18, 2017

West Virginia Environmental Quality Board
601 57th Street, S.E.
Charleston, West Virginia 25304



VIA HAND DELIVERY

Re: **CAP CASE NO. 180003**
H.A.M. SANITARY LANDFILL, LLC

Dear Ms. Ferrell:

This firm represents H.A.M. Sanitary Landfill, LLC, regarding the above referenced matter. As such, pursuant to that December 4, 2017 letter from Christopher M. Gatens, Assessment Officer with the WV Department of Environmental Enforcement, a copy of which is attached, please be advised that H.A.M. Sanitary Landfill, LLC is contesting the results of the conference and requests that a formal hearing be scheduled.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink that reads "Samuel F. Hanna". The signature is stylized and cursive.

Samuel F. Hanna

SFH/sed

Enclosure

cc: H.A.M. Sanitary Landfill, LLC



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.**

Promoting a healthy environment.

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)

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 <u>\$2,340.00</u>		Final Amount <u>\$1,755.00</u>

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.

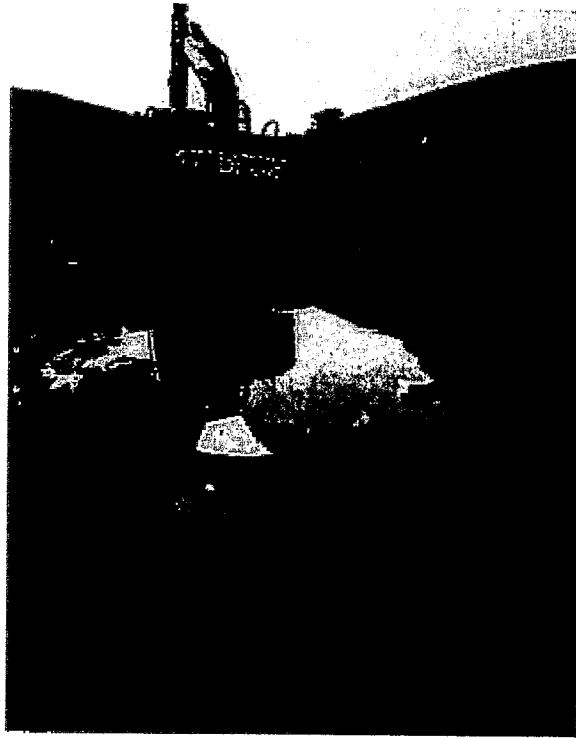
Final Amount Due: \$1,755.00

Assessment Officer:

Christopher M. Gatens

12/4/2017

HAM Landfill Photo Log 5-24-17



Leachate Bypass of Treatment 5/24/17



May 24, 2017, 10:42:54 AM

Leachate Bypass of Treatment 5/24/17