



**Environmental
Protection Agency**

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

June 10, 2011

**RE: PORTAGE LANDFILL &
DEVELOPMENT COMPANY
NOTICE OF VIOLATION**

Waldo Sober
2908 Tallmadge Road
Ravenna, OH 44266

CERTIFIED MAIL

Portage Landfill & Development Co.
2908 Tallmadge Road
Ravenna, OH 44266

Dear Mr. Sober:

On May 9, 2011, Jack Madved of the Portage County Combined Health District conducted an inspection of the Portage Landfill & Development Co. (Portage Landfill) located at 2898 Tallmadge Road, in Portage County, Ohio. I (Jarnal Singh), of the Ohio Environmental Protection Agency (Ohio EPA), accompanied Mr. Madved on this inspection. As you are aware, the site is a former municipal solid waste landfill that failed to conduct proper closure activities.

During this inspection, we observed that soil (overburden from the neighboring mine operation) has been placed on approximately two thirds (2/3rds) of the landfill's top surface. Also observed on the landfill was a pile of mixed demolition debris, measuring approximately 150 x 80 x 3 feet high (in the form of roofing shingles, lumber, sheet metal, cast iron piping, brick, block, concrete etc.). Although this debris pile resembled demolition debris from a school (debris included a school bell, science lab marble countertop pieces etc.) it is unknown from where this material originated and whether it contains any asbestos materials. Other solid waste items such as scrap tires, an old truck bed, railroad ties etc. were open dumped on the western section of the landfill.

The above mentioned activities are in violation of the following requirements:

1. **Ohio Administrative Code (OAC) 3745-27-13(A) which states, "No person shall, without authorization from the director, engage in filling, grading, excavating, building, drilling, or mining on land where a hazardous waste facility or solid waste facility was operated. Any person proposing to engage in these activities on land where a hazardous waste facility or solid waste facility was operated shall comply with the requirements of this rule."**

Grading and filling activities being conducted on the Portage Landfill property have not been authorized pursuant to OAC 3745-27-13. You are therefore in violation of OAC 3745-27-13 for failing to obtain authorization prior to engaging in filling and

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grading on the landfill property. All such activities must cease until authorization is obtained from Ohio EPA.

2. **OAC 3745-400-04(B)** which states, *"No person shall conduct or allow illegal disposal of construction and demolition debris, as defined in rule 3745-400-01 of the Administrative Code."*

Demolition debris in various forms (*lumber, roofing shingles, sheet metal, piping, conduit, drain tile etc*) are illegally disposed of on top of the landfill property.

3. **Ohio Revised Code (ORC) Section 3734.03** which states in part, *"No person shall dispose of solid wastes by open burning or open dumping," and*

OAC 3745-27-05(C) which states "No person shall conduct, permit or allow open dumping."

Solid waste in the form of scrap tires, a truck bed, plastic buckets, railroad ties etc., are open dumped on the landfill's surface. The Portage Landfill property is not permitted or licensed as a solid waste disposal facility pursuant to ORC Chapter 3734

All unauthorized filling and grading activities at the Portage Landfill property must immediately cease. All demolition debris and solid waste must be removed and properly disposed of at an appropriately licensed disposal facility. All waste disposal receipts must be kept for inspection by Ohio EPA and the Portage County Health Department

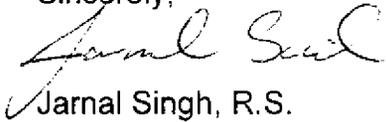
Please provide a written response, within 7 days of your receipt of this letter, indicating what actions have been or are being taken to address the above cited violations. Also, provide information as to where the large pile of debris (which is placed in the middle of the landfill) came from. Information should include where the material came from, when and who placed the material on the landfill, copies of demolition permits and asbestos inspection reports which show whether asbestos materials existed or were removed prior to demolition of the structure(s). Failure to comply with the above requirements may result in enforcement action being taken against you by this Agency.

Nothing in this letter shall be construed to authorize any waiver from the requirements of any applicable state or federal laws or regulations. This letter shall not be interpreted to release the Entity from responsibility under Chapters 3704, 3714, 3734, or 6111 of the Ohio Revised Code or under the Federal Clean Water or Comprehensive Environmental Response, Compensation, and Liability Acts for remedying conditions resulting from any release of contaminants to the environment.

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If you have any questions concerning this notice of violation, or wish to meet to discuss this property, please contact me at (330) 963-1276.

Sincerely,



Jarnal Singh, R.S.
Environmental Specialist
Division of Materials and Waste Management

JS:cl

cc: Carl Mussenden, DMWM CO
Janine Maney, Legal-CO
DuWayne Porter, Commissioner, Portage CO HD
File: [Sowers/LAND/Portage LF/COR/67]